

bill, with rates as proposed by the National Tribune; to the Committee on Invalid Pensions.

5601. By Mr. O'CONNELL: Petition of the Lieut. F. McConnell Post, No. 229, Veterans of Foreign Wars, favoring the passage of House bills 500, 6535, 8228, 9138, 10435, and 10644, and House Joint Resolution 212; to the Committee on World War Veterans' Legislation.

5602. Also, petition of the Illinois Joint Committee, to secure legislation to unite families separated by the restrictive immigration act; to the Committee on Immigration and Naturalization.

5603. Also, petition of the American Legion Auxiliary, Richmond Hill Post, No. 212, Richmond Hill, Long Island, N. Y., favoring an adequate naval defense; to the Committee on Naval Affairs.

5604. By Mr. RATHBONE: Petition by 120 residents of Harrisburg, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill granting relief to veterans and widows of veterans; to the Committee on Invalid Pensions.

5605. Also, petition by residents of Chicago, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill granting relief to veterans and widows of veterans; to the Committee on Invalid Pensions.

5606. By Mr. SWING: Petition of citizens of San Diego, Calif., urging support of the Civil War pension bill for the relief of veterans and widows; to the Committee on Invalid Pensions.

SENATE

MONDAY, March 19, 1928

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O God, who hast made of one blood all nations of men to dwell on the face of the whole earth and didst send Thy blessed Son to preach peace to them that are far off and to them that are nigh, grant that all men everywhere may seek after Thee and find Thee and bring the nations into Thy fold. Give us thankful hearts, that we may bless Thee for the beauty and bounty of the world; for day and night, summer and winter, seed time and harvest, and for the varied gifts of loveliness which every season brings; for the comforts and gladness of life and for the love, sympathy, and good will of men. Increase in us the desire and power to help others and enable us to embrace every opportunity of serving our generation according to Thy will. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that pursuant to Senate Concurrent Resolution 12 the Speaker had appointed Mr. BELL, Mr. TILSON, Mr. McFADDEN, Mr. RAMSEYER, Mr. ROBSON of Kentucky, Mr. FAUST, Mr. MONTAGUE, Mr. LEA, Mr. O'CONNOR of New York, and Mr. ARNOLD members on the part of the House of Representatives of the joint committee to represent the Congress at the unveiling of the Stone Mountain monument at Atlanta, Ga., on April 9, 1928.

The message also announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 496. An act for the relief of M. Zingarelli and wife, Mary Alice Zingarelli;

S. 1133. An act for the relief of John F. White and Mary L. White;

S. 1795. An act for the relief of Fannie M. Hollingsworth;

S. 1856. An act for the relief of the Gunnison-Mayfield Land & Grazing Co.;

S. 2365. An act for the relief of G. W. Rogers; and

S. J. Res. 55. Joint resolution for the relief of Henry A. Bellows.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4964) to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla.

The message also announced that the House had passed the bill (S. 1325) for the relief of John A. Fox, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 3) for the relief of Kate Mathews, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 333. An act authorizing the sale of certain lands near Seward, Alaska, for use in connection with the Jesse Lee Home;

H. R. 924. An act for the relief of Joe D. Donisi;

H. R. 936. An act for the relief of Garrett M. Martin;

H. R. 940. An act for the relief of Michael J. Fraher;

H. R. 943. An act for the relief of Thomas Carroll;

H. R. 979. An act for the relief of J. W. Zornes;

H. R. 1023. An act to correct the military record of Charles Ebin Campbell, alias Ebin Campbell;

H. R. 1182. An act for the relief of John Anderson;

H. R. 1183. An act for the relief of Thomas Conlon;

H. R. 1531. An act for the relief of Edward Camp;

H. R. 1588. An act for the relief of Louis H. Harmon;

H. R. 1598. An act to provide for the retirement of August Wolters as a first sergeant in the United States Army;

H. R. 1616. An act for the relief of Carl C. Back;

H. R. 1631. An act for the relief of Vanrensleav VanderCook, alias William Snyder;

H. R. 1951. An act granting six months' pay to Frank A. Grab;

H. R. 1997. An act for the relief of Clifford J. Turner;

H. R. 2009. An act for the relief of James M. Pierce;

H. R. 2098. An act for the relief of Alonzo Northrup;

H. R. 2137. An act for the relief of Ed. Snyder, William Pad-dock, Ed. Strike, and A. S. Heydeck;

H. R. 2174. An act for the relief of Edward Gibbs;

H. R. 2527. An act for the relief of William Porter;

H. R. 2529. An act for the relief of Rezin Franklin Neves;

H. R. 2531. An act for the relief of Marion Francis Wade;

H. R. 2654. An act for the relief of Anton Anderson;

H. R. 2657. An act for the relief of Thomas Huggins;

H. R. 3032. An act for the relief of First National Bank of Mountain Home, Idaho;

H. R. 3194. An act for the relief of Mary Neaf;

H. R. 3268. An act for the relief of John G. DeCamp;

H. R. 3681. An act for the relief of Charles F. Reilly;

H. R. 3844. An act for the relief of Myra Madry;

H. R. 4068. An act for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army;

H. R. 4125. An act for the relief of Holger M. Trandum;

H. R. 4229. An act for the relief of Jennie Wyant and others;

H. R. 4267. An act for the relief of Ernest J. Hiscock;

H. R. 4303. An act for the relief of the Smith Tablet Co., of Holyoke, Mass.;

H. R. 4378. An act to authorize the Secretary of the Interior to dispose by sale of certain public land in the State of Florida;

H. R. 4608. An act for the relief of Claude S. Betts;

H. R. 4864. An act for the relief of William Martin;

H. R. 4865. An act for the relief of Dock Leach;

H. R. 4954. An act for the relief of Thomas Purdell;

H. R. 4963. An act for the relief of the Randolph-Macon Academy, Front Royal, Va.;

H. R. 4993. An act for the relief of William Thurman Enoch;

H. R. 5075. An act for the relief of W. J. Bryson;

H. R. 5225. An act for the relief of Frank W. Tucker;

H. R. 5399. An act for the relief of George Heitkamp;

H. R. 5872. An act for the relief of William C. Gray;

H. R. 5930. An act for the relief of Jesse W. Boisseau;

H. R. 6271. An act for the relief of James C. Fritzen;

H. R. 6367. An act authorizing the redemption by the United States Treasury of 20 war-savings stamps (series of 1918) now held by Dr. John Mack, of Omaha, Nebr.;

H. R. 6377. An act for the relief of John Shannon;

H. R. 6436. An act for the relief of Mary E. O'Connor;

H. R. 6440. An act for the relief of Alfred W. Mathews, former ensign, United States Naval Reserve Force;

H. R. 6908. An act for the relief of Michael Hiltz;

H. R. 7268. An act for the relief of John Hervey;

H. R. 7708. An act for the relief of John M. Brown;

H. R. 8031. An act for the relief of Higgins Lumber Co. (Inc.);

H. R. 8443. An act for the relief of Joseph W. Jones;

H. R. 8499. An act for the relief of Arthur C. Lueder;

H. R. 8810. An act for the relief of John L. Nightingale;
 H. R. 8890. An act for the relief of A. N. Ross;
 H. R. 8957. An act to reimburse Joseph Rosen, formerly of the United States Navy, for losses sustained while carrying out his duties;
 H. R. 8968. An act to allow credit in the accounts of William A. Schoenfeld;
 H. R. 9112. An act for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States, who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds;
 H. R. 9118. An act for the relief of William C. Braasch;
 H. R. 9380. An act for the relief of Frank E. Shults;
 H. R. 9385. An act for the relief of the estate of L. Gordon Leech, bankrupt;
 H. R. 10014. An act for the relief of A. F. Gallagher;
 H. R. 10417. An act for the relief of George Simpson and R. C. Dunbar;
 H. R. 11526. An act to authorize the construction of certain naval vessels, and for other purposes;
 H. J. Res. 118. Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor for the widow of Lieut. Col. William J. Sperry; and
 H. J. Res. 217. Joint resolution providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2007. An act to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made;
 S. 2021. An act extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925;
 S. 2800. An act authorizing E. K. Morse, his heirs and legal representatives, and assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J.; and
 H. R. 10286. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes.

PERSONAL EXPLANATION—LOS ANGELES EXPRESS

Mr. NORRIS. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. Last Friday, in the course of some remarks I made, I read portions of a letter written by Mr. Spaulding, superintendent of the municipal water plant at Springfield, Ill., in which reference was made to several things, and, among others, to negotiations which Mr. Spaulding said he understood had taken place on behalf of Mr. Copley for the purchase of the Los Angeles Express. I have received a telegram from the owners of that paper taking me severely to task for reading that extract, and I want now to read the telegram, first in order to give it the same publicity as was given to the extract from the letter, and also to make some comments upon the telegram.

This telegram is directed to me and is dated Los Angeles, Calif., 12.17 p. m. March 17, 1928, and reads as follows:

Recently you were shocked when you were publicly charged as having received money from Mexican sources for alleged pro-Mexican activities in connection with your official duties as United States Senator. You complained bitterly because no effort had been made to check up as to the truth of the charge and pleaded that a great wrong had been done you. Yesterday you read in the United States Senate a letter in which reference is made to the purchase by Col. Ira C. Copley of certain newspapers in Illinois and California, in which you endeavor to show that an attempt is being made to control public sentiment by the purchase of newspapers because of Colonel Copley's former connection with the public utility corporation. After telling of Copley's purchase of the Springfield (Ill.) Journal, of the San Diego Union and Tribune, and of the Kellogg papers in Los Angeles County, you are quoted as having read into the official RECORD the following statement:

"Negotiations are under way for the purchase of the Los Angeles Express." In your reckless quest for publicity you have involved the good name of the Express in a story that, regardless of its merits, you at least are attempting to place the construction of a power-controlled press, and without checking at all as to the truth of your statement you involve our paper in your charge. The facts are that these last year

Colonel Copley negotiated for the purchase of stock in the Los Angeles Evening Express. Nothing developed from the negotiations, and his effort to buy stock in the Evening Express was never consummated. Subsequently, he turned his attention to the San Diego Union and Tribune, which papers he did purchase. He likewise purchased the Kellogg papers in Los Angeles County. The statement that negotiations are now under way to purchase the Express is absolutely false, and you could have ascertained this fact by a simple wire to us. We demand an immediate public retraction from you, and await your reply.

EDWARD A. DICKSON and
 GUY C. EARL, Jr.,

Owners and Publishers.

Mr. President, the only reference made by me, or in the letter from which I quoted, to the Los Angeles Express is contained on page 4875 of the CONGRESSIONAL RECORD of March 16, and I shall quote therefrom. I ought to say that this was read from a letter written by Mr. Spaulding, not to me but to a friend of his, and that he had inclosed a copy of that letter in his letter to me. Here is the only reference, either directly or indirectly, to the Los Angeles Express:

I am informed negotiations were under way for the purchase of the Express, one of the large papers of Los Angeles.

That, Mr. President, is the only reference to that paper, either directly or indirectly, contained in the letter from which I quoted, and is the only reference made by me to that paper in the course of my remarks. I call attention to the fact that the charge, if they want to call it a charge, is specifically admitted by their own telegram, so that what was stated there, according to their own telegram signed by them, is literally and absolutely true. Their telegram states:

The facts are that these last year—

I suppose the word "these" is a misprint in the telegram, but I am reading it just as I got it; it probably means "this last year"; but I read it exactly as I got it:

that these last year Colonel Copley negotiated for the purchase of stock in the Los Angeles Evening Express. Nothing developed from the negotiations, and his effort to buy stock in the Evening Express was never consummated.

So, Mr. President, it seems to me that in the telegram in which they are demanding a retraction from me they specifically admit that what I read is absolutely true. Their intention in the telegram to try to show that it was an aspersion, that it was a slander, or that it was a misstatement as to their paper, it seems to me, is absolutely groundless and without any effect. There was no attempt made and there was no thought on my part, and I presume none on the part of Mr. Spaulding when he wrote the letter, of any intention to cast any reflection on the Los Angeles Express. Indeed, Mr. President, it would be a sorry condition if it would be disgraceful to have somebody approach one to buy his paper, if he owned one, or to buy his horse or to buy his farm. This attempt made by the owners and publishers of this paper to try to put me into disrepute, it seems to me, is an illustration of trying to make something out of nothing.

I desire to have printed in the RECORD in parallel columns the charge that they claim I made in the words in which I made it, and in the adjoining column their answer in which they admit the absolute truth of everything that was said.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. NORRIS. The charge and the answer are as follows:

THE CHARGE—AS READ FROM THE LETTER OF MR. W. J. SPAULDING	THE ANSWER—FROM A TELEGRAM SIGNED BY THE OWNERS AND PUBLISHERS OF THE LOS ANGELES EXPRESS
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I am informed negotiations were under way for the purchase of the Express, one of the large papers of Los Angeles.

The facts are that last year Colonel Copley negotiated for the purchase of stock in the Los Angeles Evening Express. Nothing developed from the negotiations, and his effort to buy stock in the Evening Express was never consummated.

Mr. President, it is not my intention, and never has been, and as long as I serve here never will be, to make it a practice to answer the misleading and sometimes slanderous statements which are made sometimes by newspapers and sometimes by individuals. I realize that I can not follow them through. I would not take the time of the Senate this morning if it were not for the fact that in this telegram they are demanding from me a retraction. I wonder if these men really are as sensitive as the telegram would indicate? If so, they are the most sensitive newspaper men I have ever come in contact with. They

ought to be engaged in superintending a Sunday school instead of running a newspaper, it seems to me.

Mr. President, why am I singled out in what I believe to be this baseless attempt to hold me up before the country as one who has intentionally misrepresented the truth, and in this demand on me that a retraction should be made on the floor of the Senate? It is only an illustration of the attacks that may be made on anyone, however weak may be his voice when it is raised in behalf of what he believes to be justice to the people of our country; of how readily those who represent monopoly, who are moved, perhaps honestly moved, by the theory that big business, big corporations and monopolies, and combinations ought to control the country, try to suppress the voice of every man who speaks on the other side of the question.

I have also a telegram from Mr. O'Laughlin, vice president of the Copley Press. I will read it, because I think it is due to Mr. O'Laughlin and Mr. Copley that, in fairness, it should be read. I am not complaining about it.

Mr. CARAWAY. Mr. President, if I may ask the Senator from Nebraska a question, is the Mr. Copley referred to one of those benevolent gentlemen who attempted to buy a seat for Mr. Frank L. Smith in the Senate?

Mr. NORRIS. Yes.

Mr. CARAWAY. I merely wished to identify him.

Mr. NORRIS. This telegram is very fair, is couched in courteous and respectful language, and is entitled to proper consideration, as are also both Mr. Copley and Mr. O'Laughlin. This telegram is sent from Joliet, Ill., and is directed to me:

The Associated Press announces that you have asked the Federal Trade Commission to investigate the recent purchase of newspapers in Illinois and California by Mr. Ira C. Copley, suggesting a connection between such purchases and the financing of public utility power corporations. Mr. Copley is in Europe, but I know if he were in the United States he would demand that the investigation be pushed to the fullest extent, and would insist that you present all the evidence or information in your possession which might directly or indirectly relate to such alleged connection. As the vice president of the Copley Press (Inc.), I am in charge in Mr. Copley's absence; and I wish to say there is not and never has been any connection, direct or indirect, between Mr. Copley's acquisition of newspapers and the public-utilities industry.

I shall be in Washington on Monday and will be glad to testify before the Federal Trade Commission or a committee of the Senate as to the absolute independence of all of the Copley newspapers of any interest of any kind whatsoever.

JOHN CALLAN O'LAUGHLIN,
Vice President Copley Press (Inc.).

Mr. President, in the letter of Mr. Spaulding, from which I read extracts, there were quite a number of allusions to the purchasing of newspapers by Mr. Copley, and I believe there were statements on the part of Mr. Spaulding, the writer of the letter, that it was the intention of Mr. Copley and his organization, perhaps, to secure as many newspapers, particularly on the Pacific coast, to carry on the fight that he made and that I think is now being waged on behalf of what is known for the want of a better name as the Water Power Trust. I did ask that the matter be investigated by the Federal Trade Commission, on which commission has been imposed by resolution of the Senate the duty of making an investigation on that subject, but, since Mr. O'Laughlin has called my attention to it, I think I ought to put into the RECORD some additional evidence of my own that was not contained in the charges in the letter of Mr. Spaulding.

I hold in my hand, Mr. President, an advertisement which appeared in the Illinois State Journal, which I understand is published in Springfield, Ill., on March 7, 1928. It is headed—

\$3,200,000

The Copley Press (Inc.) 5½ per cent serial collateral gold bonds.

Dated February 1, 1928, series A. Due serially 1930 to 1943.

Payment of principal and interest unconditionally guaranteed by Ira C. Copley.

Then follows in the advertisement a description of the amounts and the dates when the various bonds will become due, and then comes this:

First Trust & Savings Bank, Chicago, Ill., trustee.

We summarize as follows from information furnished by Ira C. Copley, president of the company—

And this is the information that Mr. Copley has furnished them:

SECURITY

These bonds are the direct obligation of the Copley Press (Inc.), which owns and operates, through wholly owned subsidiaries, five daily newspapers: Aurora (Ill.) Beacon-News, Joliet (Ill.) Herald-

News, Elgin (Ill.) Courier-News, San Diego (Calif.) Union, and the San Diego Tribune. All of the stock of these properties is deposited with the trustee as security for these bonds.

This issue of \$3,200,000 constitutes the sole funded indebtedness of the company and its subsidiaries, and the company covenants—

And so forth.

GUARANTY

The payment of principal and interest is unconditionally guaranteed by Ira C. Copley. The guaranty agreement includes a provision that the will of the guarantor shall provide for the deposit with the trustee of marketable securities equal in value to the then outstanding bonds, which deposit shall be applied, as the securities mature or are sold, to the redemption of bonds of this issue.

Then follows a statement of the earnings of the property that is mortgaged to secure these bonds, and a very good showing is made for 1925, 1926, and 1927.

The average of the above three years' earnings is \$722,220 or more than 4.10 times the greatest annual interest charge of this issue. The two San Diego papers have been recently acquired, and under the management of the Copley Press are expected to show increased earnings.

PURPOSE OF ISSUE

The major part—

I wish the Senate would note this because I may refer to it later—

The major part of the proceeds of this issue—

That is the issue of \$3,200,000—

The major part of the proceeds of this issue is being applied in connection with the acquisition of the two San Diego papers, and the balance for other corporate purpose.

ADDITIONAL BONDS

Additional bonds in the amount of \$4,300,000 may be issued for the acquisition of additional newspaper properties, based on 60 per cent of the cost or appraised value of such properties, whichever is lower.

Then follows the maturity dates of these bonds and a statement of the attorneys as to their legality.

The advertisement winds up with this statement:

We recommend these bonds for investment.

Lawrence Stern & Co., W. W. Armstrong Co., Matheny, Dixon & Co.

So far as I have read it is an advertisement recommending the purchase of these bonds, but, as a matter of fact, they did not have a bond to sell; the bonds had all been sold, as shown by the advertisement itself. In fine print appears this language:

Subscriptions from banks and investment dealers have been received in excess of the amount of this issue.

I wish to digress, Mr. President, to ask the Federal Trade Commission, which has charge of the investigation of this subject, carefully to find out who the banks and the investment dealers are. It strikes me there is at least prima facie evidence to show that an attempt is being made—and has been partially consummated—by Mr. Copley to control the press of a large portion of the country. I think it also likewise follows that the activity of these newspapers along some of the lines to which I am going to call attention goes a long way, at least, to bear out the statement of Mr. Spaulding that the object of securing the control of these newspapers, particularly on the Pacific coast, is to control and educate public opinion against public ownership and the public handling of the water power and electric light situation on the Pacific coast. That may not be true; but it seems to me the evidence points very strongly that way; at least it is worthy of investigation, and I should welcome the appearance of Mr. Copley before the Federal Trade Commission, as the telegram says he will appear, to make plain and clear that there is nothing of that kind in it.

I have also before me, Mr. President, a copy of a newspaper published in Los Angeles in which the writer goes more fully into the subject to which Mr. Spaulding referred regarding Mr. Copley's activities. It will be remembered that the letter I read called attention to the fact that Mr. Copley appeared before the Reed investigating committee and admitted there that he had contributed \$25,000 to the campaign fund of Mr. Frank L. Smith, who was knocking at the door of the Senate with the Insull money in his pocket, anxious to have a seat in this body. After referring to several other purchases, this writer says:

This man Copley then purchased the Springfield (Ill.) State Journal.

* * * Copley is reported to have been a contributor, along with Insull, to the gigantic Smith campaign corruption fund. Since his

purchase of the Illinois State Journal that paper has painted Smith as pure as a lily and is actually supporting him for reelection to the Senate. * * *

The next step by Copley was to purchase the San Diego papers—the Tribune, the Union, and Independent. He is said to have paid \$3,000,000 for the first two—

It will be remembered, Mr. President, from the advertisement which I read that the agents of Mr. Copley say the information which was the basis of the advertisement had been received from Mr. Copley himself and it was stated in that advertisement that the proceeds of the bond issue of \$3,200,000 were in major part used for the purchase of two of these newspapers—

He is said to have paid \$3,000,000 for the first two and \$35,000 for the Independent, which later he junked.

It seems to me that it is proper to consider that the one paper there that was taking the opposite side of this question was purchased by Mr. Copley and was junked—dismantled and publication ceased. In other words, the one newspaper in San Diego that was standing for public ownership of electric and water-power utilities on the Pacific coast was purchased by him and junked and its publication ended.

It's a long jump—

Says this writer—

from Illinois to California. Copley's appearance in this section that will be vitally affected by the passage of the Swing-Johnson bill for the development of the Colorado River is also a significant bit of evidence. The fact that he scrapped the Independent, the only morning competitor in San Diego that stood in any way for the principle of public ownership, is more interesting. Copley, upon taking over the San Diego papers, again promised to "take a live interest" in San Diego's affairs. He probably will.

I ought to say here that this article goes into the Evening Express matter much more fully than Mr. Spaulding went.

Mr. SHORTRIDGE. The Los Angeles Express?

Mr. NORRIS. The Los Angeles Express. The writer gives, in some detail here, those negotiations that Mr. Spaulding said he understood had been in progress; but since I did not quote this in regard to the Express I am not going to read it now.

After going into that the writer says:

But what of it all? Why is Copley invading "public ownership" territory in California? Who is this man anyway?

And he says, further down:

I can provide you only with the motives that have been attributed to Copley by men of keen intelligence and close contact with newspaper investments in San Diego, Los Angeles, and San Francisco.

First. That Copley's hope in acquiring a chain of Pacific coast papers is to help halt the encroachment of the public-ownership idea, where it has achieved its greatest success, along the Pacific coast;

Second. To aid any political campaign for the Senatorship this year that will defeat HIRAM W. JOHNSON, cosponsor, with Congressman PHIL D. SWING, San Diego, of the Swing-Johnson bill, soon to come before the Congress;

Third. To assist in the development of sentiment on the Pacific coast that will be adverse to the construction of a Government-owned power plant at the Colorado River; and

Fourth. To use every possible influence to get possession of the great water-power resources of California, Oregon, and Washington for the Hydroelectric Superpower Trust.

The writer makes another statement that I do not read, because it contains rather a serious charge, and I do not care to make it myself. He winds up by saying:

Use your own judgment as to whether you wish to take any part in aiding this sort of a man to pile up more millions for Sam Insull on the Pacific coast by acquiring our California newspapers.

You will remember that on Friday, from Mr. Spaulding's letter, it appeared that Mr. Copley had not only contributed \$25,000 to the campaign expenses of Mr. Smith but that he had himself at a prior date been the owner of large public-utility properties over which Mr. Smith, as chairman of the Public Service Commission of Illinois, had general control, and that when he had sold those properties, so Mr. Spaulding said, he took securities from the Insull properties.

It seems to me, Mr. President, that it was only fair that a conclusion should be drawn such as Mr. Spaulding has drawn; and from that advertisement that I read it appeared that \$4,200,000 more of bonds are to be issued by the Copley Press for the purpose of buying more newspapers. When we take into consideration the fact that in Springfield, where he recently purchased one of the leading newspapers, it immediately became a sponsor for Smith, painting him, as this article says, as pure

as an angel, and when we consider also that he suppressed the progressive paper that he bought in San Diego, and that these other papers are favoring the things that the Water Power Trust and the hydroelectric monopoly want, it is quite clear that it would be fair at least for the Federal Trade Commission to find out who furnished the money, who are the investors, who are the bankers who put up the money to float these bond issues on the part of Mr. Copley.

It is not conclusive, I admit. It never has been offered as conclusive; and the fact that Mr. Copley's agent, the vice president of the company, says he stands ready to go on the witness stand and testify and have it investigated fully is commendable, and I welcome him before the Federal Trade Commission. I hope the Federal Trade Commission, without fear and without favor, will make a fair and an honest but a complete investigation of the whole matter.

Mr. NORRIS subsequently said: Mr. President, earlier in the day I made some remarks and read into the RECORD a telegram from Mr. O'Laughlin, vice president of the Copley Press (Inc.), and made some remarks in regard to the matter. Mr. O'Laughlin was in the gallery, I understand, and heard the remarks I made, and he has written me a letter and delivered it to me. I ask unanimous consent to include it in the CONGRESSIONAL RECORD as part of my remarks, and have it appear in the proper place in the RECORD at the close of the remarks I made earlier in the day.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The letter is as follows:

COPLEY PRESS (INC.),
Washington, March 19, 1928.

HON. GEORGE W. NORRIS,

United States Senate, Washington, D. C.

SIR: On behalf of Copley Press (Inc.) I wish to state emphatically that there is no connection of any kind whatsoever between the acquisition of newspapers by Mr. Ira C. Copley and any industry or interest, save that of the public.

The statement you made in the Senate to-day is compounded of an unfounded letter and a rival newspaper attack. You further read extracts from the advertisement published throughout the country offering for sale the bonds of the Copley Press (Inc.) in the sum of \$3,200,000.

So far as the letter is concerned, it was written by a man whose hatred of the Illinois State Journal dates back to its opposition to his election to a municipal office in Springfield. This opposition was manifested prior to Mr. Copley's purchase of the paper. The letter makes false and libelous statements throughout, as the slightest investigation would have established. With regard to the San Diego papers acquired by Mr. Copley, their purchase by him divorced them from the interest which also owned public utilities in that part of the country. The Independent, which he also acquired and suppressed, was purchased by him upon the solicitation of its owners, because they felt that with Mr. Copley in southern California the public interests would be fully and amply safeguarded. With regard to the bond issue, Mr. Copley observed the policy which other newspaper proprietors have pursued in connection with newspaper purchases. The bonds were sold in the usual manner, through bankers and investment houses, to investors, and in addition to the large assets and profits of the properties themselves Mr. Copley placed behind them his own name and his own credit. No one else had anything whatsoever else to do with this financing. An inquiry at the First National Bank of Chicago would quickly and easily have verified this fact.

I may add that Mr. Copley has no connection of any kind with the management, direction, or control of any interest or industry save that of his newspapers.

The newspapers comprising Copley Press are inspired by but one policy, the public interest, and one purpose, the promotion of the public interest. As Mr. Copley has stated, neither he nor they have any axes to grind.

It is, therefore, of serious moment, that loose and false statements, inspired by selfish motive contained in the Spaulding letter and the newspaper to which you referred, should serve as the basis for an insinuation which even a cursory investigation would have shown to be utterly without foundation. With the facts before you, I believe you will make the reparation to which we are entitled.

Very truly yours,

JOHN CALLAN O'LAUGHLIN,
Vice President Copley Press (Inc.).

INFECTIOUS DISEASE AMONG CATTLE—ANAPLASMOSIS (S. DOC. NO. 74)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation amounting to \$20,000 for the Department of Agriculture, fiscal year 1929, to enable the Secretary of Agriculture to meet an emergency caused by

the outbreak of a highly infectious disease of cattle known as anaplasmosis, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DIVISION OF CHILD WELFARE, DISTRICT OF COLUMBIA (S. DOC. NO. 73)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, amounting to \$25,000, fiscal year 1929, for the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place for the reception and detention of children under 17 years of age committed to the care of that board, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

UNVEILING EXERCISES AT STONE MOUNTAIN, GEORGIA

The VICE PRESIDENT. In accordance with Senate Concurrent Resolution 12 the Chair appoints the Senator from Utah, Mr. SMOOT; the Senator from New Hampshire, Mr. KEYES; the Senator from Kentucky, Mr. SACKETT; and the Senators from Georgia, Mr. HARRIS and Mr. GEORGE as members on the part of the Senate of the joint committee to represent the Congress at the unveiling of the Stone Mountain monument at Atlanta, Ga., on April 9, 1928.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 4068. An act for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army; to the Committee on Agriculture and Forestry.

H. R. 8499. An act for the relief of Arthur C. Lueder; to the calendar.

H. R. 1951. An act granting six months' pay to Frank A. Grab;

H. R. 4608. An act for the relief of Claude S. Betts;

H. R. 5872. An act for the relief of William C. Gray;

H. R. 6440. An act for the relief of Alfred W. Mathews, former ensign, United States Naval Reserve Force; and

H. R. 11526. An act to authorize the construction of certain naval vessels, and for other purposes; to the Committee on Naval Affairs.

H. R. 333. An act authorizing the sale of certain lands near Seward, Alaska, for use in connection with the Jesse Lee Home;

H. R. 1997. An act for the relief of Clifford J. Turner;

H. R. 3032. An act for the relief of First National Bank of Mountain Home, Idaho;

H. R. 4125. An act for the relief of Holger M. Trandum;

H. R. 4378. An act to authorize the Secretary of the Interior to dispose by sale of certain public land in the State of Florida; and

H. R. 9118. An act for the relief of William C. Braasch; to the Committee on Public Lands and Surveys.

H. R. 924. An act for the relief of Joe D. Donisi;

H. R. 979. An act for the relief of J. W. Zornes;

H. R. 1588. An act for the relief of Louis H. Harmon;

H. R. 1616. An act for the relief of Carl C. Back;

H. R. 2137. An act for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck;

H. R. 2654. An act for the relief of Anton Anderson;

H. R. 2657. An act for the relief of Thomas Huggins;

H. R. 3844. An act for the relief of Myra Madry;

H. R. 4229. An act for the relief of Jennie Wyant and others;

H. R. 4267. An act for the relief of Ernest J. Hiscock;

H. R. 4303. An act for the relief of the Smith Tablet Co., of Holyoke, Mass.;

H. R. 4993. An act for the relief of William Thurman Enoch;

H. R. 5075. An act for the relief of W. J. Bryson;

H. R. 5225. An act for the relief of Frank W. Tucker;

H. R. 5399. An act for the relief of George Heitkamp;

H. R. 5930. An act for the relief of Jesse W. Boisseau;

H. R. 6271. An act for the relief of James C. Fritzen;

H. R. 6367. An act authorizing the redemption by the United States Treasury of 20 war-saving stamps (series of 1918) now held by Dr. John Mack, of Omaha, Nebr.;

H. R. 6436. An act for the relief of Mary E. O'Connor;

H. R. 8031. An act for the relief of Higgins Lumber Co. (Inc.);

H. R. 8810. An act for the relief of John L. Nightingale;

H. R. 8890. An act for the relief of A. N. Ross;

H. R. 8957. An act to reimburse Joseph Rosen, formerly of the United States Navy, for losses sustained while carrying out his duties;

H. R. 8968. An act to allow credit in the accounts of William A. Schoenfeld;

H. R. 9112. An act for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States,

who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds;

H. R. 9380. An act for the relief of Frank E. Shults;

H. R. 9385. An act for the relief of the estate of L. Gordon Leech, bankrupt;

H. R. 10014. An act for the relief of A. F. Gallagher; and

H. R. 10417. An act for the relief of George Simpson and R. C. Dunbar; to the Committee on Claims.

H. R. 936. An act for the relief of Garrett M. Martin;

H. R. 940. An act for the relief of Michael J. Fraher;

H. R. 943. An act for the relief of Thomas Carroll;

H. R. 1023. An act to correct the military record of Charles Ebin Campbell, alias Ebin Campbell;

H. R. 1182. An act for the relief of John Anderson;

H. R. 1183. An act for the relief of Thomas Conlon;

H. R. 1531. An act for the relief of Edward Camp;

H. R. 1598. An act to provide for the retirement of August Wolters as a first sergeant in the United States Army;

H. R. 1631. An act for the relief of Vanrenselear VanderCook, alias William Snyder;

H. R. 2009. An act for the relief of James M. Pierce;

H. R. 2098. An act for the relief of Alonzo Northrup;

H. R. 2174. An act for the relief of Edward Gibbs;

H. R. 2527. An act for the relief of William Porter;

H. R. 2529. An act for the relief of Rezin Franklin Neves;

H. R. 2531. An act for the relief of Marion Francis Wade;

H. R. 3194. An act for the relief of Mary Neaf;

H. R. 3268. An act for the relief of John G. DeCamp;

H. R. 3681. An act for the relief of Charles F. Reilly;

H. R. 4864. An act for the relief of William Martin;

H. R. 4865. An act for the relief of Dock Leach;

H. R. 4954. An act for the relief of Thomas Purdell;

H. R. 4963. An act for the relief of Randolph-Macon Academy, Front Royal, Va.;

H. R. 6377. An act for the relief of John Shannon;

H. R. 6908. An act for the relief of Michael Ilitz;

H. R. 7268. An act for the relief of John Hervey;

H. R. 7708. An act for the relief of John M. Brown;

H. R. 8443. An act for the relief of Joseph W. Jones; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor for the widow of Lieut. Col. William J. Sperry; to the Committee on Military Affairs.

H. J. Res. 217. Joint resolution providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries; to the Committee on Finance.

PETITIONS AND MEMORIALS

Mr. HARRISON presented the following concurrent resolution of the Legislature of the State of Mississippi, which was referred to the Committee on Agriculture and Forestry:

Senate Concurrent Resolution 13, memorializing the Congress of the United States to investigate the Department of Agriculture and to prevent the Department of Agriculture from making unwarranted statements that will affect the price of cotton

Whereas the Department of Agriculture of our Federal Government had gained the confidence of the farmers and the business men of the South; and

Whereas that confidence was justified so long as that department of the Federal Government restricted its activities to its duties delegated to it by Congress; and

Whereas during the fall of 1927 the Secretary of Agriculture of the United States exceeded his authority by predicting the trend of low prices in the near future for cotton and cotton products, and by issuing a statement which appears to have been erroneous concerning cotton consumption that was ill-advised and apparently from private or interested sources, all of which were nothing more than guesses; and

Whereas as a result of said statements or guesses of the Secretary of Agriculture as to the trend of prices and consumption of cotton, the farmers throughout the South lost millions of dollars; and

Whereas the making of such statements or guesses is improper, and is a vital question to the entire South: Therefore, be it

Resolved by the Senate of the State of Mississippi (the House of Representatives concurring herein), That it is the sense and the opinion of the Legislature of Mississippi, as the representatives of the people of this State, that the entire people of the State of Mississippi disapprove of said unwarranted activities of the Secretary of the Department of Agriculture in making statements or guesses as aforesaid, and that we respectfully memorialize Congress to condemn such activities and to make an investigation of said department or to take such steps as may appear necessary to prevent a recurrence of such activities on the part of the Department of Agriculture of the United States; be it further

Resolved, That copies of this resolution be sent immediately to the President of the United States and to the Secretary of Agriculture and to each of our Senators and Representatives in Congress.

I hereby certify that the above and foregoing resolution is a true and correct copy of Senate Concurrent Resolution 13, passed by the senate on the 23d day of February, 1928, and by the house of representatives on the 9th day of March, 1928.

H. E. KING,
Secretary of the Senate.

Mr. CAPPER presented a petition of sundry citizens of Mound City, Kans., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. BLAINE presented a memorial signed by 35 citizens of Wonewoc, Wis., remonstrating against the passage of legislation decreasing the pensions of certain widows as proposed in the so-called Fitzgerald bill, H. R. 10159, etc., which was referred to the Committee on Pensions.

He also presented a petition signed by 65 citizens of Two Rivers, Wis., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. DENEEN presented petitions numerous signed by sundry citizens of the State of Illinois, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented petitions of sundry citizens of New York and Brooklyn, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Pennsylvania, Wisconsin, and New Mexico, praying for the passage of legislation requiring that the finger and foot prints of mother and child be taken at birth on joined cards; providing for the identification of persons injured, lost, or otherwise unmarked; and the identification of every alien and traveler by card with his own proper finger prints thereon with the number and location of the Bureau of Registration where first filed and taken, etc., which were referred to the Committee on Education and Labor.

Mr. McLEAN presented memorials of the Everyman's Bible Class of Trinity M. E. Church, of Norwich, and the Everyman's Bible Class of Union Baptist Church, of Mystic, both in the State of Connecticut, remonstrating against adoption of the proposed naval building program without certain amendments, which were referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of New Haven, Conn., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented papers in the nature of petitions from the Woman's Christian Temperance Union of Newington, the Girls Friendly Society of Gales Ferry, and the League of Women Voters of Sprague, all in the State of Connecticut, praying for the adoption of the Gillett World Court resolution requesting the President to consider further exchange of views with the signatory nations regarding the United States reservations relative to the Permanent Court of International Justice, etc., which were referred to the Committee on Foreign Relations.

He also presented a letter in the nature of a petition from Frank C. Godfrey Unit, No. 12, American Legion Auxiliary, of South Norwalk, Conn., praying for the passage of the so-called Capper bill, being Senate bill 1289, to provide further for the national security and defense, etc., which was referred to the Committee on Military Affairs.

He also presented a paper in the nature of a memorial from Local Union, No. 42, Cigarmakers International Union of America, of Hartford, Conn., remonstrating against the passage of House bill 9195, providing for parcel-post service to Cuba, etc., which was referred to the Committee on Finance.

He also presented papers in the nature of memorials from the Building & Loan Association of Danbury, the Patriotic Order, Sons of America, of Meriden, and Wigwam of Com-pounce Tribe, No. 15, Improved Order of Red Men, of Bristol, all in the State of Connecticut, remonstrating against the passage of Senate bill 1752 to regulate the manufacture and sale of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a paper in the nature of a petition from Franz Daniel Pastorius Unit, No. 122, the Steuben Society of America, at New Britain, Conn., praying for the repeal of the national-origins quota provision of the existing immigration law, which was referred to the Committee on Immigration.

He also presented a paper in the nature of a memorial from the Swedish Congregational Bethany Church of Naugatuck,

Conn., remonstrating against the carrying into effect of the national-origins quota provision of the existing immigration law, which was referred to the Committee on Immigration.

CONSTRUCTION OF NAVAL CRUISERS

Mr. EDGE. Mr. President, I send to the desk two telegrams and a letter protesting against the so-called Dallinger amendment to the naval construction bill, which provides, as I recollect, that eight of the contemplated new cruisers shall be built in Government yards. I ask to have the clerk read the first telegram only, and ask unanimous consent that the others be inserted in the Record, and that all of them be referred to the Committee on Naval Affairs.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

CAMDEN, N. J., March 17, 1928.

WALTER E. EDGE,
Senate Office Building, Washington, D. C.:

On behalf of 5,000 skilled shipbuilders, residents and voters of New Jersey, 3,500 of whom have been out of work since last October, and whose families are in need of help, we ask the exercise of your high office in defeating an amendment to the House naval bill requiring one-half of the ships authorized therein to be built in navy yards. The New York Shipbuilding Co., of Camden, N. J., has the largest private shipbuilding yard in America, if not in the world. We have built a substantial part of the existing Navy fleet and many vessels for the merchant marine. We have just completed the air-plane carrier *Saratoga*, one of the finest and fastest vessels in the American fleet. Records of the hearings Magruder's testimony before the House committee shows that it costs less to build capital ships in private yards than in navy yards. Hundreds of our men have devoted their entire lifetime in becoming skilled in the art of building ships. Many of them are now working only half time. Unless we can be reasonably assured as to the future permanency of our work it will be necessary to seek employment elsewhere, the effect of which will be to seriously embarrass an essential national industry in the time of need.

DAVID WILLIAMS,
Chairman Ship Committee, New York Shipbuilding Co.

The VICE PRESIDENT. Without objection, the other telegram and letter will be printed in the RECORD, and all of the communications will be referred to the Committee on Naval Affairs.

The telegram and letter are as follows:

CAMDEN, N. J., March 17, 1928.

HON. WALTER E. EDGE,
Senate Building, Washington, D. C.:

On behalf of 5,000 experienced ship workers and citizens of New Jersey and on behalf of the merchants of Camden and neighboring towns, whose business is seriously hurt of 3,500 of these ship workers being at present unemployed, this organization strongly urges you to defeat an amendment to the House naval bill requiring one-half of the ships authorized therein to be built in navy yards. Camden is the home of the New York Shipbuilding Co., operating the largest private shipbuilding yard in the world and builder of many vessels now the pride of the American Navy and merchant marine, including the *Saratoga*. This yard furnished the nuclei for many emergency shipbuilding organizations during World War. It builds more economically than Government yards. Defeat of this amendment will give work to thousands now in distress, and will encourage one of Nation's vital industries.

FRAIS B. WALLEN,
President Camden Chamber of Commerce, Camden, N. J.

COURIER AND POST,
Camden, N. J., March 17, 1928.

HON. WALTER E. EDGE,
United States Senate, Washington, D. C.

DEAR SENATOR: I was surprised and chagrined this morning to learn that the House accepted, by a vote of 115 to 102, an amendment to the warship construction bill, introduced by Congressman DALLINGER, of Massachusetts, providing that 8 of the 16 proposed cruisers should be constructed in Government navy yards.

Naturally, Mr. DALLINGER wants to divert as much Government work as possible to his community. But I understood that the navy yards were taken care of by a provision covering repairs and alterations on existing ships, which would insure a continuance of present pay rolls.

No measure of preparedness is more important than maintaining our present private shipbuilding plants. The whole interest of the Nation is gravely concerned. If the Government does not support these private yards with a reasonable amount of naval construction work they will surely disintegrate.

Take the local situation. The New York ship yard (American Brown-Boveri Co.) is at present employing only 1,600 shipyard workers against a normal minimum of 5,000. There are 3,400 experienced men

out of work, and if they can not be put to work very soon, they will drift away into other sections of the country, and other means of livelihood.

Close down the New York shipyard completely, and it would only take a few weeks to have its machinery oiled up and in running order, but it would take a few years to gather together 5,000 experienced hands, and in an emergency these few years might decide the fate of this Nation.

I am bringing this matter to your attention because as the newspaperman closest to it, it is my duty so to do, just as I believe it is your duty to bring it to the attention of the Senate.

Of course, it will be argued that we of Camden have a selfish interest in desiring more work for our shipbuilding plant. But, according to this theory, we would have to discard all warning from local sources regarding any local condition. We would have to discard the warnings of flood-district Senators as to conditions in their States. Thank goodness, Camden has such varied industries that it is not dependent on any one, and shipbuilding represents only a very small part of the industrial strength of this community.

Knowing shipbuilding conditions as I do, I can appreciate the importance of keeping experienced ship workers in this community. I know there are families where two and three generations have been engaged in this line of work. I know that Representative DALLINGER's thoughtless amendment will destroy shipbuilding in this community and will probably have the same effect on the two or three other private yards that are capable of turning out warships in an emergency.

An editorial along the lines of this letter will appear in the *Courier* of Monday, March 19, and I will send you a copy of it.

I do hope that you will consider that this matter deserves your urgent attention.

Yours sincerely,

J. DAVID STERN.

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 2511) to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831," reported it without amendment and submitted a report (No. 554) thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (S. 750) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes, reported it with an amendment and submitted a report (No. 557) thereon.

He also, from the same committee, to which was referred the bill (S. 2611) to authorize the Secretary of War to loan aeronautical equipment and material for purposes of research and experimentation, reported it with amendments and submitted a report (No. 558) thereon.

He also, from the same committee, to which was referred the bill (S. 2256) authorizing the President to order Clifton E. High, late first lieutenant, Medical Corps, United States Army, before a retiring board for a hearing of his case, and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation, reported adversely thereon.

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (S. 140) for the relief of Alpha Newell, reported adversely thereon.

Mr. TYSON, from the Committee on Military Affairs, to which was referred the bill (S. 366) for the relief of Clyde Leonard, reported adversely thereon and moved that the bill be indefinitely postponed, which was agreed to.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (H. R. 6094) to amend section 7 of Public Act No. 45, Sixty-ninth Congress, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," reported it without amendment and submitted a report (No. 559) thereon.

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (H. R. 232) to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto, reported it without amendment and submitted a report (No. 560) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 7932) to authorize appropriations for construction at military posts, and for other purposes, reported it without amendment and submitted a report (No. 562) thereon.

He also, from the Committee on Immigration, to which was referred the bill (S. 716) to exempt American Indians born in Canada and American Indians born in Mexico of tribes formerly settled in the United States from the operation of the immigration act of 1924, reported it with amendments and submitted a report (No. 568) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 2336) for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, May Fee, Willis E. Young, Daniel E. Turbeville, Clarence C. Spears, and Ina Mae Elkins, reported it with amendments and submitted a report (No. 564) thereon.

He also, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 5255) for the relief of Jacob F. Webb (Rept. No. 565); and

A bill (H. R. 7944) to authorize appropriations for construction at military posts, and for other purposes (Rept. No. 566).

Mr. BLACK, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon:

A bill (S. 1207) for the relief of Alfred O. Huestis;

A bill (H. R. 3049) for the relief of Alexander Ashbaugh; and

A bill (H. R. 4280) to correct military record of John W. Cleavenger, deceased.

Mr. METCALF, from the Committee on Patents, to which was referred the bill (S. 2823) amending the statutes of the United States, with respect to reissue of defective patents, reported it without amendment and submitted a report (No. 567) thereon.

Mr. KING, from the Committee on the Judiciary, to which was referred the bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired, reported it with an amendment.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them with amendments and submitted reports thereon:

A bill (S. 3462) granting the consent of Congress to the Maysville Ohio River Bridge Co., its successors and assigns, to construct a bridge across the Ohio River at or near Maysville, Ky. (Rept. No. 569);

A bill (S. 3511) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at Cotter, Ark. (Rept. No. 570); and

A bill (H. R. 9365) to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark. (Rept. No. 571).

Mr. DALE also, from the Committee on Commerce, to which was referred the bill (H. R. 5721) authorizing E. M. Elliott and Associates (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky., reported it with an amendment and submitted a report (No. 572) thereon.

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3362) authorizing Henry Thane, his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Arkansas City, Ark. (Rept. No. 573);

A bill (H. R. 7927) granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a free highway bridge across the Atchafalaya River at or near Melville, La. (Rept. No. 574);

A bill (H. R. 8897) to revive and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street, in the city of Chicago, county of Cook, State of Illinois," approved March 21, 1924 (Rept. No. 575);

A bill (H. R. 9350) granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River (Rept. No. 576);

A bill (H. R. 9361) granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois (Rept. No. 577);

A bill (H. R. 9761) to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa. (Rept. No. 578);

A bill (H. R. 9773) granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near the mouth of the Big Blue River, in Jackson County, Mo. (Rept. No. 579);

A bill (H. R. 9946) to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill. (Rept. No. 580);

A bill (H. R. 9964) authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala. (Rept. No. 581);

A bill (H. R. 10025) to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa. (Rept. No. 582);

A bill (H. R. 10143) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway (Rept. No. 583);

A bill (H. R. 10144) authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex. (Rept. No. 584);

A bill (H. R. 10424) authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr. (Rept. No. 585);

A bill (H. R. 10566) granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill. (Rept. No. 586);

A bill (H. R. 10658) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr. (Rept. No. 587);

A bill (H. R. 10707) authorizing the Point Marion Community Club, of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa. (Rept. No. 588);

A bill (H. R. 10756) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio (Rept. No. 589); and

A bill (H. R. 10806) authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans. (Rept. No. 590).

BATTLE FIELD OF KINGS MOUNTAIN

Mr. BLEASE. Mr. President, from the Committee on Military Affairs I report back favorably, with an amendment, House bill 11140, to provide for the inspection of the battle field of Kings Mountain, S. C., and I submit a report (No. 555) thereon. I call the attention of the Senator from North Carolina [Mr. OVERMAN] to this bill, and I ask unanimous consent for its immediate consideration.

Mr. SMOOT. I should like to ask the Senator if this is a unanimous report from the committee?

Mr. BLEASE. It is a unanimous report; yes. The bill simply provides an additional committee of three men to assist the Secretary of War in making the inspections.

Mr. OVERMAN. It has also passed the House of Representatives.

Mr. BLEASE. The amendment was suggested by the chairman of the committee, the Senator from Pennsylvania [Mr. REED].

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 3, after the word "That," to insert a comma and the words "to assist in the studies and investigations of battle fields in the United States for commemorative purposes authorized by an act approved June 11, 1926 (Public No. 372, 69th Cong.)," so as to make the bill read:

Be it enacted, etc., That, to assist in the studies and investigations of battle fields in the United States for commemorative purposes, authorized by an act approved June 11, 1926 (Public No. 372, 69th Cong.), a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War: (1) A commissioned officer of the Corps of Engineers, United States Army; (2) a citizen and

resident of York County, State of South Carolina; (3) a citizen and resident of Cleveland County, State of North Carolina; (4) and a citizen of Cherokee County, S. C.

Sec. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Kings Mountain, S. C., and the historical events associated therewith.

Sec. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Kings Mountain, S. C., in order to ascertain the feasibility of preserving and marking for historical and professional military study such field. The commission shall submit a report of its findings and an itemized statement of its expenses to the Secretary of War not later than December 1, 1928.

Sec. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000, or such part thereof as may be necessary, in order to carry out the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BUILDINGS IN TUCSON, ARIZ.

Mr. BLEASE. From the same committee I report back favorably, without amendment, Senate bill 2978 authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz., and I submit a report (No. 556) thereon. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to donate to the city of Tucson, State of Arizona, without cost to the said city, for public use, all of buildings Nos. 1, 3, and 4 now located on the old Army aviation field in said city of Tucson, including heating and plumbing fixtures and excluding water heater and hot-water tank, which said buildings are now located on property of the said city of Tucson formerly leased to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL INDEFINITELY POSTPONED

Mr. BLEASE. I also make an adverse report on House bill 4902, to correct the military record of Charles Robertson, with a recommendation for its indefinite postponement.

The VICE PRESIDENT. Without objection, the bill is indefinitely postponed.

FORTY-FOUR-HOUR WEEK FOR GOVERNMENT EMPLOYEES

Mr. BROOKHART. From the Committee on Civil Service I report back favorably the bill S. 3116, providing for half holidays for certain Government employees. The bill refers to the 44-hour week for Government employees. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CURTIS. Let it go to the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

CONTROL OF AIRCRAFT FOR SEACOAST DEFENSE

Mr. REED of Pennsylvania. From the Committee on Military Affairs I report back favorably without amendment Senate Concurrent Resolution 11, providing for a commission to investigate the problem of the control of aircraft for seacoast defense, and I submit a report (No. 561) thereon. Inasmuch as it concerns the Navy as much as it does the Army, I request that I may now be permitted to report it favorably, and that it be immediately referred to the Committee on Naval Affairs.

The VICE PRESIDENT. Without objection, the concurrent resolution will be so referred.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 2007. An act to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made;

S. 2021. An act extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925; and

S. 2800. An act authorizing E. K. Morse, his heirs and legal representatives, and assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J.

OTTO KAHN ON FLORIDA

Mr. FLETCHER. Mr. President, in view of the fact that many people throughout the country are interested in the subject, and many inquiries have been made in regard to it, I ask to have printed in the Record a short statement from a disinterested responsible source entitled "Otto Kahn on Florida."

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

OTTO KAHN ON FLORIDA—POSITION AND POTENTIALITIES OF STATE INDICATE ITS PROSPERITY CERTAIN, BANKER DECLARES

(Special to the Wall Street Journal)

MIAMI.—Otto Kahn, the New York banker, sums up his opinion of Florida as follows:

"I am not a prophet, but Florida will more than come back into its rightful prosperity. When you consider the geographical location of Florida in relation to the vast population of the United States; when you consider the color of this country, its climate, the things you can do down here six months in the year without the frozen conditions of the North, the agricultural potentialities of the back country, the strategic relation to the great wealth of South America, you can see that Florida must progress.

"If the people will have patience, will work hard, and above all, will not lose their self-confidence, Florida is bound to take its unique place on the economic map of America. I do not say when that will be—maybe 1 year, maybe 5 or 10—but it will surely come about."

NATIONAL ORIGINS

Mr. JOHNSON. Mr. President, I am compelled to ask, because of the nearness of the date, unanimous consent for the immediate consideration of Senate Joint Resolution 113, to amend subdivisions (b) and (c) of section 11 of the immigration act of 1924, as amended, which on Friday last was reported from the Committee on Immigration.

Mr. CURTIS. Mr. President, it was my intention to ask unanimous consent, when the routine morning business had been concluded, that we take up the calendar for the consideration of unobjected bills, commencing where we left off at the last call of the calendar.

Mr. JOHNSON. If there is objection to my request, I shall pass it over immediately.

Mr. CURTIS. Let the joint resolution be read.

The joint resolution was read.

Mr. ROBINSON of Arkansas. May I ask the Senator a question?

Mr. JOHNSON. Certainly.

Mr. ROBINSON of Arkansas. It appears that the purpose of the joint resolution is to postpone for another year the taking effect of the so-called national-origins clause or provision with respect to immigration.

Mr. JOHNSON. Yes.

Mr. ROBINSON of Arkansas. What are the reasons for the postponement?

Mr. JOHNSON. The reasons are that the computations which have been made are indefinite and uncertain, and that the very experts who made those computations desire further time. There is a sharp division of opinion in the Immigration Committee upon the general subject. There is no division of opinion in the committee upon the desirability of the postponement for one year, in order that the additional work may be done.

Mr. ROBINSON of Arkansas. The report then is unanimous; it has the support of all members of the committee?

Mr. JOHNSON. Yes.

Mr. DILL. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. DILL. Have the Secretaries been able to arrive at any accurate, reliable method of figuring out the national origins?

Mr. JOHNSON. In my opinion, no; in the opinion of some others, yes.

Mr. DILL. Why should we not repeal the national-origins clause, and not be bothered every year by a postponement?

Mr. JOHNSON. The Senator may be entirely right in that conclusion. That is a conclusion which personally I have reached, but there is a sharp division in the Committee on Immigration upon the subject. Some desire to repeal, some desire to make it effective. All are agreed, however, that the

situation is such that it ought not to be put in effect immediately; and in order that time may be given to make these computations, which it is hoped may be accurate in the future, the postponement for one year is desired.

Mr. DILL. I want to say to the Senator that I am in sympathy with his proposal, but I would like to see the proposal made to repeal the national-origins clause of the immigration act. I can not bring myself to think that we ought to cut down the immigration of northern Europeans for others not so desirable.

Mr. HEFLIN. Mr. President, I would rather that the joint resolution should go over for the day. I would like to look into the measure. I object.

The VICE PRESIDENT. There is objection to the consideration of the joint resolution.

FORT DONELSON NATIONAL MILITARY PARK

Mr. TYSON. Mr. President, I report back favorably without amendment from the Committee on Military Affairs the bill (H. R. 5500) to establish a national military park at the battle field of Fort Donelson, Tenn., and I submit a report (No. 563) thereon. I ask for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 3660) granting a pension to Minnie Davis; to the Committee on Pensions.

By Mr. EDGE:

A bill (S. 3661) for the relief of the estate of Farnham Z. Tucker, deceased; to the Committee on Claims.

By Mr. EDWARDS:

A bill (S. 3662) granting increased compensation to Anna Davenport; to the Committee on Claims.

A bill (S. 3663) granting a pension to Michael J. Murphy; to the Committee on Pensions.

A bill (S. 3664) to place William H. Crap on the retired list of the United States Navy as a lieutenant; to the Committee on Naval Affairs.

By Mr. TYSON:

A bill (S. 3665) to make more adequate provision for pensions for members of the permanent military or naval service of the United States, their widows, and dependents, and for other purposes; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3666) granting an increase of pension to Manervy Jackson; to the Committee on Pensions.

By Mr. REED of Missouri:

A bill (S. 3667) granting a pension to Mary Eding (with accompanying papers); to the Committee on Pensions.

A bill (S. 3668) for the relief of the Carlisle Commission Co.; to the Committee on Claims.

By Mr. HOWELL:

A bill (S. 3669) to provide for the settlement of damage claims arising from the construction of the Petrolia-Fort Worth gas-pipe line (with accompanying papers); to the Committee on Claims.

By Mr. MOSES:

A bill (S. 3670) granting an increase of pension to Drusilla Hadlock (with accompanying papers); to the Committee on Pensions.

By Mr. CUTTING:

A bill (S. 3671) granting a pension to Ada G. Wilkinson; and

A bill (S. 3672) granting an increase of pension to Joseph H. Toulouse; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 3673) granting an increase of pension to Annie Ward (with accompanying papers); to the Committee on Pensions.

By Mr. ODDIE:

A bill (S. 3674) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. WAGNER:

A bill (S. 3675) to provide for the free entry of articles imported for exhibition at expositions to be held in New York by

the French Chamber of Commerce of the City of New York; to the Committee on Finance.

By Mr. FRAZIER:

A bill (S. 3676) authorizing the Turtle Mountain Chippewas to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. NYE (by request):

A bill (S. 3377) to withhold timberlands from sale under the timber and stone act; and

A bill (S. 3678) to authorize the leasing of public lands for aviation, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. JOHNSON:

A bill (S. 3679) granting a pension to Phebe S. Saunders; and

A bill (S. 3680) granting an increase of pension to Sarah E. Douglass; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3681) granting an increase of pension to Mary Mahoney (with accompanying papers); and

A bill (S. 3682) granting a pension to Kezia J. Fanning (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3683) granting a pension to Tillie M. Foley; to the Committee on Pensions.

By Mr. STEIWER:

A bill (S. 3684) to amend the Federal farm loan act, as amended; to the Committee on Banking and Currency.

By Mr. NORBECK:

A bill (S. 3685) to amend the War Finance Corporation act, approved April 5, 1918, as amended; to the Committee on Banking and Currency.

A bill (S. 3686) granting an increase of pension to Kittie Armstrong (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3687) granting a pension to John G. Hawkins;

A bill (S. 3688) granting an increase of pension to Charles V. Barr (with accompanying papers); and

A bill (S. 3689) granting an increase of pension to Maggie L. Gibson (with accompanying papers); to the Committee on Pensions.

A bill (S. 3690) to correct the military record of Harley O. Hacker (with accompanying papers); and

A bill (S. 3691) to correct the military record of Charles W. Townsend; to the Committee on Military Affairs.

By Mr. SHORTRIDGE:

A bill (S. 3692) to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended; to the Committee on Naval Affairs.

By Mr. SHEPPARD:

A bill (S. 3694) regulating juvenile insurance by fraternal beneficial associations in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McNARY:

A joint resolution (S. J. Res. 116) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924; to the Committee on Agriculture and Forestry.

MISSOURI RIVER BRIDGE AT OMAHA, NEBR.

Mr. HOWELL. Mr. President, I am introducing, by sending to the desk, a bill authorizing the construction of a free bridge across the Missouri River connecting Omaha with Council Bluffs, Iowa, and am moved to do so by the following considerations:

The prosperity of distribution centers, such as Omaha, my home city, is largely dependent upon the prosperity of their wholesale and jobbing establishments.

In recent years these lines of business, outside of the great primary markets, have suffered: First, through the development of chain stores; second, through the use of motor vehicles for country delivery.

Chain-store organizations tend to remove their distribution facilities to primary markets, like Chicago and St. Louis, while quantities of goods that formerly came to Omaha, for instance, are now forwarded in carload lots direct to minor jobbing houses developed in smaller cities, and from there are distributed to the doors of retailers within a radius of 50 miles or more by motor trucks.

EVOLUTIONARY CHANGES

These changes in business methods are being keenly felt in our large secondary markets. They are evolutionary in character, and hence probably permanent.

But while the motor car tends to decentralize distribution, it has tremendous possibilities for the centralization of retail trade. Under favorable circumstances, buyers can patronize retail centers 100 or even 150 miles away.

Thus, though hurting the wholesaler, the automotive vehicle can compensate a city for that loss by increasing its retail trade, if aided by up-to-date facilities for travel and accommodation.

Recognizing this fact, many cities have turned such losses into good fortune.

They have encouraged good roads, radiating in every direction, to make the visit of the motorist easy and pleasant. This has increased their retail business more than enough to offset the loss of wholesale trade.

Lincoln, the capital of our State, is an example of these enterprising cities, and, as a result, has a greater retail trade in proportion to population than almost any other city of its size in the country. Omaha has not been so successful. There are excellent roads north, west, and south of the city, though in this latter direction Lincoln, 60 miles away, largely cuts off long-distance trade.

OMAHA'S HANDICAP

But Omaha's most serious handicap is the fact that it is separated from the eastern half of its local territory, one of the richest farming regions in the world, by the Missouri River.

The toll bridge over that river ranks as a trade barrier rather than an asset. The tolls are so high that it costs a farmer 40 or 50 cents to enter and leave the city from that direction with his family, and the annoyance and feeling of injustice are almost as serious as the actual cost.

The company which controls the bridge gets back its total capital cost about every two years.

The remedy for this situation is clearly evident, namely, a free bridge. This can be secured either by constructing a new bridge, for instance, at the foot of Farnum Street, or by acquiring the present toll bridge, located one block north at the foot of Douglas Street.

Minneapolis and St. Paul are connected, not by one but by several free bridges. The same is true of Kansas City, Mo., and its neighbors, North Kansas City and Kansas City, Kans.

A bridge spanning the Missouri River is not so expensive a matter as is generally imagined.

WHAT BRIDGES COST

The State of South Dakota has constructed five very substantial and durable bridges across the Missouri. The one at Pierre, the capital, including approaches, cost \$435,000; at Mobridge, \$328,000; at Chamberlain, \$377,000; at Forest City, \$329,000; and at Wheeler, \$385,000.

Farther down the river, in the State of Missouri, the bridge at Waverly cost \$538,000; at Booneville, \$525,000; and at Glasgow, \$606,000.

The toll bridge at the foot of Douglas Street in Omaha was constructed in 1888 at a cost of \$400,000. In 1923 and 1924 it was widened and improved at a cost of something less than \$625,000, making the total cost of this structure, chargeable to capital, about \$1,025,000.

The bridge commission of Iowa reported to the governor of that State in 1926 that a bridge wide enough to accommodate four lines of traffic, complete with approaches, connecting Omaha and Council Bluffs at the foot of Farnum Street, could be constructed for \$1,500,000.

Thus it is evident that this problem of a free bridge between Omaha and the eastern half of its local territory can be settled once and for all by the expenditure of \$1,500,000, which is less than one-third of the saving in water rates that the people of Omaha have enjoyed since the water plant became publicly owned.

Water-bill savings now total something more than \$5,000,000. Moreover, Omaha under its charter now has authority to build such a bridge.

THE BEST METHOD

The second way to get a free bridge at Omaha is to buy or lease the present toll bridge at the foot of Douglas Street. For several reasons, which I will give later, this appears to be best for both the street-railway company, which controls the toll bridge, and the people of Omaha.

If Omaha constructs a free bridge at the foot of Farnum Street, of course the street-railway company will lose the tolls it now receives from automobiles and trucks. These will probably approximate \$600,000 for the year 1928. However, the company will still be obliged to pay taxes upon its bridge and maintain this bridge at its own expense. Moreover, the people of Omaha will have to assume taxes necessary to maintain their free bridge and amortize its cost.

But suppose the city, in lieu of building a free bridge, should buy the present toll bridge for \$1,500,000, or about half a million more than its value based on cost, with an agreement that the company could use the bridge for its cars and passengers without charge, except, say, one-third of the cost of maintaining the structure, or about \$20,000 a year. In such case the toll bridge of the street-railway company would not be practically confiscated, as the city would pay a handsome price therefor and the company would have the use of the bridge free of taxes.

FREE BRIDGE

Having thus acquired the bridge, the city could operate it as a toll bridge for not to exceed four years and pay the entire cost, including all interest accruing during the payment period.

Clearly, this latter plan is best for the street-railway company and best for the city. The street-railway company will receive pay for its bridge and will be relieved of all taxes thereon and two-thirds of the cost of maintenance; and, on the other hand, the people of Omaha will acquire a free bridge to Council Bluffs and the eastern half of the city's local territory without cost.

It must be evident, however, that the street railway company will never willingly agree to such a plan. It will hold on to its bridge, this barrier to added prosperity that should be Omaha's, and garner the tremendous profits therefrom just as long as the people of Omaha will allow it to do so.

When the company realizes that the people will no longer tolerate this condition and these excessive tolls, and that a free bridge is inevitable, it will cooperate and accept this solution of the free bridge problem, and not until then.

The city of Omaha can bring pressure upon the street railway company in two effective ways. The company's franchise is about to expire and sooner or later it will again ask for another franchise. The city can answer, "We want the privilege of buying the bridge. If you refuse to sell, do not ask for favors. No bridge, no franchise."

It has been urged that the street railway company does not own, but merely leases the Douglas Street Bridge, and, hence, if the people refuse a franchise because of inability to sell, the company might go into the hands of a receiver. However, this is merely a pretext, because if it were true that the company could not arrange a sale of the bridge, yet, it must be evident, that it might readily transfer the bridge to the city by a sublease.

RECEIVERSHIP EASILY AVOIDABLE

At an election held early in 1926 the people of Omaha emphatically refused a franchise to the street railway company. However, it is probable that a franchise would be granted if the company offered either to sell or sublease its bridge. Therefore, if a receivership results, it will be the company's fault. In short, it will prefer a receivership to parting with its highly profitable toll bridge.

The second method of pressure would be to amend the city charter, notwithstanding the city now has authority to build a free bridge, in such a manner that the city can vote \$1,500,000 for the construction of a new bridge, with a provision to the effect that the fund can be utilized to purchase a bridge in lieu of installing a new structure.

Once the bonds are voted under a charter amendment, with specific instructions to build a bridge if the privilege of purchase is denied, the street railway company will sell.

MISSOURI'S WAY

There is nothing new about this plan. For instance, in St. Charles, Mo., and in that vicinity, public sentiment developed for a free bridge across the Missouri River at that point. Of course, the bridge company did not want to sell their profitable structure.

However, confronted with an overwhelming public sentiment that might at any time translate itself into action for a new bridge, the bridge company agreed to sell and to take their pay out of the earnings of the bridge.

A letter from Mr. Sam Hodgson, chairman St. Charles free bridge committee, under date of August 9 last, says in part:

The contract (for the sale of the bridge) provides for the payment out of tolls: First, operating expenses; second, 4½ per cent interest on deferred payments; third, balance applied on liquidation of stocks.

The first 11 months' operation under this contract shows a payment of operating expenses, payment of interest, and \$200,000 paid on liquidation of stock.

With the decrease of interest at the end of each six months and the increase of traffic due to the completion of concrete highway across the State of Missouri from St. Louis to Kansas City, the bridge will be free within four years.

The free-bridge question is wholly within the hands of the people of Omaha. They can have one whenever they are deter-

mined to get it, the cost entirely paid out of tolls, and the bridge not only free but clear of debt within four years.

There is nothing magical about this proposition. It is merely due to the inherent possibilities of public enterprise, as illustrated in connection with Omaha's ice plants, which, although the charges for ice are the lowest enjoyed anywhere in the country, paid their entire cost of \$700,000 within seven years. I move that the bill be referred to the Committee on Commerce.

The bill (S. 3693) authorizing the city of Council Bluffs, Iowa, and the city of Omaha, Nebr., or either of them, to construct, maintain, and operate a free highway bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr., was read twice by its title and referred to the Committee on Commerce.

AMENDMENT TO TAX REDUCTION BILL

Mr. WATSON submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

SOIL SURVEY OF BILOXI AREA, MISSISSIPPI

Mr. HARRISON submitted the following resolution (S. Res. 171), which was referred to the Committee on Printing:

Resolved, That there be printed 2,000 copies of the soil survey of the Biloxi area, Mississippi, for the use of the Document Room of the United States Senate, after such revision as may be deemed necessary by the Bureau of Soils of the Department of Agriculture.

KATE MATHEWS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3) for the relief of Kate Mathews, which were, on page 1, line 6, after the word "appropriated," to insert "and in full settlement against the Government"; and on page 1, line 12, after the word "Army," to insert "Provided, That the United States be subrogated to the amount hereby appropriated to any claim said Kate Mathews has against said Roscoe S. O'Hara as a result of a judgment she may have obtained against said Roscoe S. O'Hara in the District Court of the United States for the Northern District of Ohio, Western Division."

Mr. SHEPPARD. I move that the Senate concur in the House amendments.

The motion was agreed to.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Hess, one of his secretaries, announced that on March 15, 1928, the President approved and signed the act (S. 2342) providing for a per capita payment of \$25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States.

GREETINGS OF THE SENATE OF HUNGARY—STATUE OF LOUIS KOSSUTH

Mr. CURTIS. Mr. President, I understand that there is in the Vice President's hands a letter from the Hungarian Senate and that the Hungarian minister is here with a delegation. I ask unanimous consent that the letter be read to the Senate.

The VICE PRESIDENT. Without objection, the Vice President will read the letter to the Senate and it will lie on the table. The letter is as follows:

[A Fekőhaz Elnöke]

BUDAPEST, March 3, 1928.

The Hon. CHARLES G. DAWES,

Vice President of the United States and
President of the Senate, Washington.

Mr. PRESIDENT: At the unveiling in New York on March 15 of the statue of Louis Kossuth, the great Hungarian patriot and noble representative of the rights of human liberty, the Senate of the Hungarian Parliament is going to be represented by a special delegation. Much to my sorrow, I was prevented by other serious engagements from leading the senate delegation in person.

According to plans, the delegation will also visit Washington. This circumstance is giving me the opportunity of sending the friendliest greetings of the Hungarian Senate to you, Mr. President, and to the Senate of the United States. I have asked Mr. Nicholas Jožan, Unitarian Episcopal vicar and member of the delegation, to present my letter.

The long and historic friendship of the classically free and happy American people was always highly treasured by the Hungarians. Hundreds of thousands of emigrating compatriots of ours found during the decades preceding the World War their living and a second home among your hospitable people. As soon as the storm of blood and passions was over, it was the American people whose noble beneficence

wiped many a tear and hastened to succor our mutilated country lying prostrate under the blows of an unjust peace treaty.

The present ceremony of unveiling is a further proof of this highly esteemed friendship, and I am happy to seize the opportunity of expressing our heartfelt gratitude and most sincere sympathy.

I have the honor to be
Respectfully yours,

Baron JULIUS WLAŚCICKI,
President of the Senate of Hungary.

NATIONAL FOREST RESERVATION COMMISSION

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am transmitting herewith for the consideration of the Congress copy of resolutions adopted by the National Forest Reservation Commission at its meeting held on February 18, 1928, together with a copy of a letter from the Secretary of Agriculture relating to the proposed addition of certain public lands to the Gunnison National Forest, in the State of Colorado, which have been submitted by the President of the National Forest Reservation Commission.

CALVIN COOLIDGE.

The WHITE HOUSE, March 19, 1928.

[NOTE.—Resolutions accompanied similar message to the House of Representatives.]

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business the calendar be taken up for the consideration of unobjected bills, commencing where we left off at the last call of the calendar, with Calendar No. 355.

Mr. BRUCE. I object. When we consider the calendar under the regular order, there is an opportunity to make a motion for the consideration of a bill.

Mr. CURTIS. I withdraw the request.

SALES OF FOREIGN MANUFACTURED LEATHER

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from the preceding day, Senate Resolution 169, offered by Mr. REED of Pennsylvania, which the clerk will read:

The Chief Clerk read the resolution (S. Res. 169) submitted by Mr. REED of Pennsylvania on the 15th instant, as follows:

Resolved, That the United States Tariff Commission is hereby requested to investigate and report to the Senate the extent of sales of foreign manufactured leather from goat skins and kid skins in the United States since January 1, 1925, and the rates of wages paid workers in the tanning of black and colored kid in the United States and competing countries.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be an explanation of the purpose of instructing the Tariff Commission to make an investigation of this subject matter.

Mr. REED of Pennsylvania. Mr. President, a few days ago the Senate passed a similar resolution for the investigation of the amount of imports and the wage costs here and abroad in the production of leather made from calfskins. That was under a resolution presented by the Senator from New York [Mr. COPELAND].

It seems to be a most appropriate time, if the commission is going to investigate that subject, to investigate also the conditions in the kid-leather tanneries, and that has been urged by a large number of people in that industry. An investigation of the two subjects can be made most economically at the same time.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. REED of Pennsylvania. Gladly.

Mr. ROBINSON of Arkansas. Does the resolution look to a reduction in rates or to an increase in rates?

Mr. REED of Pennsylvania. It faces both ways, because, as a matter of fact, at the present time 99 per cent of the goat-skins that we use in making kid in the United States come from foreign countries, and they come duty free. There is, I understand, some duty on the skins manufactured abroad. The whole problem of tariff on these skins would be raised by the information that was brought in. Partly it would affect the free list, partly it would affect the protected list. I myself do not know in which direction the information would point.

Mr. ROBINSON of Arkansas. Is it expected that the imports now on the free list shall be placed on the dutiable list?

Mr. REED of Pennsylvania. I should hope not, because there is no American industry to support nor any likelihood of our being able to build up one. These goatskins come from all over the world, and putting a tariff on those skins would simply raise the price of shoes to Americans without any compensating advantage to any local industry.

Mr. ROBINSON of Arkansas. There is no application made under the provisions of the tariff act of 1922, known as the flexible tariff act, for an investigation of the subject?

Mr. REED of Pennsylvania. No, Mr. President.

Mr. KING. Mr. President, I did not hear all that was said, and I would like to ask the Senator from Pennsylvania just exactly what he seeks. If he desires to have an investigation made respecting goatskins, 99 per cent of which are imported, I can see no advantage, unless the Senator hopes to have the tariff increased under the flexible tariff provisions of the act.

Mr. REED of Pennsylvania. Mr. President, that is not the situation. We have a considerable industry in America in the tanning of goatskins which come in from abroad. We do not raise our own goatskins. We have to get our raw materials from abroad. But our American tanneries are in direct competition with the tanneries in other lands.

Mr. FESS. Mr. President, I understand that the flexible provision of the law would not permit placing on the dutiable list a product now on the free list.

Mr. REED of Pennsylvania. Absolutely; I am not talking about that.

Mr. FESS. That was the import of the questions which have been asked.

Mr. REED of Pennsylvania. Two things are involved, the importation of the raw skins and the importation of the tanned or manufactured skins. The inquiry as to wages relates only to the tanning of them, and I have introduced this resolution now because, at the request of the Senator from New York [Mr. COPELAND], a similar resolution was passed, and a similar investigation ordered on the wage costs in the tanning of calfskins here and abroad. The two investigations could be made at the same time at considerably less expense than if they were undertaken separately. That is the whole reason for my introducing the resolution at this time, to get it to the Tariff Commission so as to have the two things handled at the same time.

Mr. COPELAND. Mr. President, I think the resolution of the Senator from Pennsylvania is a very reasonable one. The other day the Senate passed my resolution proposing the same thing in reference to calfskins, and I hope this resolution will be passed.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

THE CALENDAR

The PRESIDENT pro tempore. The calendar, under Rule VIII, is in order.

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was announced as first in order on the calendar.

Mr. BLAINE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, was announced as next in order.

Mr. CAPPER. Mr. President, a similar bill has been passed by the House and is now before the Senate Committee on Agriculture and Forestry, and it would be well to have the two considered at the same time. Therefore I ask that this bill may be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2277) relating to giving false information regarding the commission of crime in the District of Columbia was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 1476) for the relief of Porter Bros. & Biffle and certain other citizens was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2524) for the relief of Josephine Doxey was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PRACTICE AND PROCEDURE IN FEDERAL COURTS

The bill (S. 1094) to amend the practice and procedure in Federal courts, and for other purposes, was announced as next in order.

Mr. DENEEN. Let the bill go over.

Mr. CARAWAY. If there is to be objection to the bill, I want to move that it be taken up.

Mr. DENEEN. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment of the Committee on the Judiciary was, on page 2, line 4, to strike out the words "on either side."

The amendment was agreed to.

The PRESIDENT pro tempore. The Clerk will state the next amendment.

The CHIEF CLERK. One page 2, line 10, at the end of section 2, insert a colon and the following additional proviso:

Provided further, The instructions may be repeated or amplified by the trial judge at any time before verdict, when he feels the ends of justice will be served thereby.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. Mr. President, there seems to be no interest taken in the bill by many of the Members of the Senate, but those of us who are lawyers ought to realize what it does to the established practice in the Federal courts, particularly in the States which follow the old English practice in the trial of cases.

As I understand the bill, it will compel the judge to submit a charge in writing at the conclusion of the trial, and in that charge he is not free to express any opinion formed as to the credibility of witnesses or the weight of the testimony, no matter how slight may be the testimony on one side or the other. He must submit a written charge shorn of any such expressions of guiding opinion for the assistance of the jury, and having submitted such charge he turns the trial of the case over to the opposing counsel to have the last word. It relegates the judge, in my opinion, to a position subordinate to that of counsel. It takes away from him a large part of that wholesome authority he has over the conduct of the trial. It deprives our courts of the same restraining influence that is used so tellingly in the English courts, and to the end of justice in most cases, I believe.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Gladly.

Mr. BORAH. As I understand the effect of the bill, so far as instructions are concerned, it is to accomplish two things—first, to prevent the judge from passing upon the force and effect of the testimony and, second, to require him to instruct the jury before, and not after, the argument.

Mr. REED of Pennsylvania. That is correct. When the bill was under discussion before, I made the statement that it was opposed by the American Bar Association and that statement was challenged by the Senator from Arkansas [Mr. CARAWAY]. I have a letter from Mr. Strickland, who states:

I notice from the CONGRESSIONAL RECORD of February 23, page 3422, that you successfully objected to S. 1094, known as the Caraway bill, to amend the practice and procedure in Federal courts, and again I write to thank you for your interest in the matter. Senator CARAWAY stated to you that "the executive committee objected to it, but the bar association never had a vote on it. They tried to get one and could not do it." Senator CARAWAY is mistaken. President Strawn, of the American Bar Association, is against the bill and the American Bar Association appointed the committee on jurisprudence and law reform to act for it in such matters as the Caraway bill, and by virtue of the action of that committee the American Bar Association is against the bill and individually about 17 members of the committee on jurisprudence and law reform—

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Gladly.

Mr. CARAWAY. The Senator has seen fit to read that letter. I say the bar association did not act on the matter. Here is what happened, and the gentleman who wrote the letter—the Senator did not give his name—if he is familiar with the facts, is consciously distorting the facts.

Mr. REED of Pennsylvania. I beg the Senator's pardon. I did give the name. His name is Mr. Reeves T. Strickland and his office is 420 Woodward Building in this city.

Mr. CARAWAY. He is either consciously not telling the truth or he does not know. I do not care which end of the statement he sees fit to accept. Here is what happened. The executive committee was divided on the question and the majority opposed it. That was some years ago. It went to the bar association in its general meeting. There was a demand for a vote on it. There was a viva voce vote and the Chair said he was undecided. They tried then to get a yea-and-nay vote, a record vote, but never got it. Therefore anyone who says the association is against it either does not know what he is talking about or is willfully misrepresenting what the facts are. That is the history of the thing.

Mr. REED of Pennsylvania. I have no knowledge, but Mr. Strickland tells me that he is a member of this committee, or at least is familiar with their action.

Mr. CARAWAY. He was not even a member of the committee when the matter came up. Mr. Strickland is like many other folks who are entirely willing to testify without knowing anything about what the facts are.

Mr. REED of Pennsylvania. Then we are thrown back on our own judgment of the bill, since there must be some doubt as to what the American Bar Association thinks about it.

Mr. CARAWAY. I say, there is no question about it. I know what the facts are.

Mr. REED of Pennsylvania. I am a little embarrassed about that. Of course, if the Senator states that of his own knowledge—

Mr. CARAWAY. I state it from absolutely knowing what the facts are and the briefs in the case.

Mr. REED of Pennsylvania. Then the Senator must be correct and Mr. Strickland must be wrong, but he seems to think he was as sure of himself as is now the Senator from Arkansas.

Mr. CARAWAY. Of course, the Senator knows Mr. Strickland is right about it, and so we will let it go.

Mr. REED of Pennsylvania. I do not know anything particularly about it and I do not particularly care, because my own opinion of it is very clear that the bill will seriously impair a most wholesome authority now exercised by the trial judge in jury cases in the Federal courts.

Mr. CARAWAY. Mr. President, will the Senator yield again?

Mr. REED of Pennsylvania. Gladly.

Mr. CARAWAY. In 1924 when the bill was before the Senate the Senator from Pennsylvania offered certain amendments to it, and it was passed with his approval. I call his attention to the RECORD of March 28, 1924.

Mr. REED of Pennsylvania. I shall be glad to look that up. My recollection is that no one else seemed to find the slightest interest in the bill, no one else shared my views about it, and that I tried to make the best of a bad bargain by softening its provisions where I could.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. Gladly.

Mr. ROBINSON of Arkansas. I am particularly interested in the assertion of the Senator from Pennsylvania that the present practice generally prevailing in district courts of the United States, under which the judge discusses the credibility of witnesses and sometimes expresses an opinion as to conclusions of facts, is far superior, in so far as the ends of justice are concerned, to that which makes the jury the exclusive judges of the facts.

Mr. President, there is a very vital and important question involved in the bill. It is a real issue. It can not be determined by merely saying that this lawyer favors it and that lawyer opposes it, or this organization of lawyers supports it and that organization of lawyers opposes it. The bill goes to the question of the right of jury trial uninterfered with, as to questions of fact, by the presiding judge.

I believe that the change proposed by the bill of the junior Senator from Arkansas is wholesome. The provision or one similar is in effect in many of the States. It governs the procedure of the trial court. There the juries are the sole judges of the weight of the evidence and the credibility of the witnesses. No judge, however great his bias or however powerful his prejudice, under the practice in some of the State courts to which I am now referring, is authorized to interfere with the free and untrammelled decision of jurors under the evidence as to all questions of fact submitted to them by the court.

We all know that the judge is very influential in a trial. If he exercises the privilege of expressing his opinion as to whether a witness has sworn truthfully or untruthfully, or if he exercises the right now granted to him to arrive at conclusions of fact from the testimony, unless there is an antagon-

onism provoked in some way between the judge and the jury the jury is strongly disposed to come to the conclusion expressed by the judge. If judges were perfect, if they could not be subjected to bias or prejudice, the system would work always to promote the ends of justice. But that is not the case. Judges, like other men, are subject to influences respecting their conclusions of fact as are others. The bill is designed to take away from district judges in the trial of cases the right to argue a case before the jury.

Repeatedly in the trial of cases have I heard a district judge take issue with the position that I have taken, and argue the matter before the jury usually more effectively than I could argue it. It can not be said that under a system of that sort the jury are the sole judges of the facts. If we believe in the jury system of trial, if we stand upon the right of trial by jury, that means that we are willing to have a given number of men, qualified under the law within the jurisdiction where the trial occurs, pass upon the questions of fact at issue. It implies that the judge who presides over the trial shall not employ the functions of his great office to influence or control decisions of jurors with respect to the facts. Lawyers who represent corporations usually prefer the present practice, and lawyers who represent other interests usually prefer the change suggested by the bill. The practical effect of it will be to leave all the issues of fact involved in the case for decision by the jury, uninfluenced by the opinion of the court as to either the credibility of the witnesses or the force which should be ascribed to the evidence. That is the simple issue in the case.

Mr. SWANSON. Mr. President, will the Senator yield to me for a moment?

Mr. ROBINSON of Arkansas. I do not know how I obtained the floor. I think I took it away from the Senator from Pennsylvania, and I apologize to him.

Mr. REED of Pennsylvania. The Senator got the floor and exhausted my time.

Mr. ROBINSON of Arkansas. I realize there was no motion made, but I think I should not claim more time.

Mr. SWANSON. Mr. President, when I practiced law in the State courts in Virginia a judge could not give any instruction to the jury except as to the law; all questions of fact and as to the weight of the testimony were left to the jury, and a fair and honest jury trial was had. The Federal judges, on the other hand, arrogated to themselves the right to instruct the jury as to the facts.

Mr. REED of Pennsylvania. Oh, no, Mr. President; it is reversible error to do that.

Mr. SWANSON. They do not instruct the jury as to the facts, but pass their opinion on the facts. If, under our State practice in Virginia, a jury rendered a verdict which was contrary to the law and to the evidence the verdict could be set aside, but the judge had no right to instruct the jury as to the weight of the evidence or to pass on the credibility of witnesses until the question came up as to whether the verdict should be set aside as being contrary to the law or the evidence.

The Federal courts at that time would really talk to the jury as to the weight of the evidence, and, as a matter of fact, it amounted practically to instruction to find a verdict so and so.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator permit me an interruption there?

Mr. SWANSON. Yes.

Mr. ROBINSON of Arkansas. The best arguments in a case very frequently were made by the judge who presided at the trial.

Mr. SWANSON. It was an outrage and amounted to practically destruction of the right of trial by jury. If a man in Virginia wanted to prevent a case being determined by a jury—which was always his right under Anglo-Saxon law and under the Constitution of the United States—he would resort to every possible scheme to take the case from the State court to the Federal court.

I know when I practiced law and had cases pending in the Federal court, suits for damages and other cases, all kinds of schemes were resorted to to have the cases removed from the State court to the Federal court, hoping practically to prevent a jury trial in the case. That is what it amounted to. I do not think such a practice is right. The people of America were guaranteed under the bill of rights trial by jury. It ought to be an honest trial, uninterfered with by the judge passing upon the credibility of witnesses and making suggestions to the jury as to the witnesses and the testimony.

If this bill prevents such action, it seems to me it is merely carrying into effect the provisions of the Constitution by affording the people an honest trial by jury and allowing the jury to pass upon the facts in the case. It seems to me that this

bill ought to conform the practice in the Federal court to the practice in the State courts of Virginia and of the other States. A man ought not to be permitted to remove a cause from a State court to a Federal court in order to get an advantage by having the judge comment upon the testimony and upon the credibility of witnesses.

Mr. BRUCE. Mr. President, when this bill was called I interposed an objection to it. I interposed the objection merely because I mistook the identity of the bill. I supposed it was a bill to confer on the Supreme Court power to adopt rules in relation to common-law actions analogous to those which have been prescribed in relation to equity proceeding. I simply wish to say, speaking from quite an extended experience as a general practitioner, that in all respects I approve of the features of this bill.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The question is, Shall the bill be reported to the Senate as amended and the amendments be concurred in?

Mr. SIMMONS. Mr. President, it has been more than 20 years since I practiced law. When I did practice law, in both Federal and State courts, I found reason to complain of the attitude of certain of the Federal judges in the trial of causes; and I felt that the practical effect of their interference was to give one party the benefit of a trial by the judge instead of a trial by the jury. At that time, as the Senator from Virginia [Mr. SWANSON] has stated, there was a great disposition on the part of certain litigants to remove their causes to the Federal courts. Wherever there was the slightest pretense of Federal jurisdiction, the action was brought in the Federal court; wherever the defendants in an action could find the slightest pretext for removing it to the Federal court, that recourse was had, largely for the purpose of securing the benefit of a trial substantially by a judge instead of a trial by jury, as provided in the State courts.

However, in recent years, I have been advised by members of the bar of my State that our Federal judges in North Carolina have, as a rule, been conforming to the State practice in this respect, and have not been undertaking, directly or indirectly, to express an opinion with reference to facts or the weight of testimony; and that because of this circumstance, there has been a change in the disposition of litigants of a certain kind who formerly sought the Federal instead of the State court.

I am heartily in favor of this bill, because I think in this country the old system that has obtained in the States from the very beginning, of permitting the judge to determine the law and to give it to the jury, and clothing the jury with the sole and exclusive power of determining the weight of testimony and deciding the case according to the testimony, is a very good rule, a very salutary practice. It is one that protects the rights of the humblest as well as of the most powerful litigants. I, therefore, hope that the bill may be passed and this evil, which has been tolerated for so long a time in many jurisdictions, may be abolished. I am happy to say the evil does not prevail in all jurisdictions even now, for, as I have stated, I am advised that in certain jurisdictions Federal judges have ceased to exercise this prerogative which existing law confers and are of their own motion conforming themselves to the better practice obtaining in the State courts.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LA FOLLETTE. Are we proceeding under Rule VIII?

The PRESIDING OFFICER. The Senate is proceeding under Rule VIII. A Senator may speak but once and for five minutes only.

Mr. LA FOLLETTE. I call attention to the fact that this measure is being discussed despite objection.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the objection was withdrawn.

Mr. LA FOLLETTE. I was not aware of that.

Mr. BORAH. Mr. President, as I favored the pending bill in the committee, I should like to say a word as to the reason for my support of it. The purpose of the bill is, in the first instance, to prevent Federal judges from passing upon the evidence and the effect of testimony, the credibility, as it were, of witnesses; and, in the second place, to require a judge to instruct the jury prior to the argument upon the part of counsel.

The second purpose of the bill—that is, requiring the judge to instruct the jury before the counsel make their argument—seems to me to be the orderly way to present a cause. If the attorneys are to argue the cause intelligently before the jury,

they must know the law to which the facts are to be applied. I presume all attorneys have had the experience of arguing cases at length before a jury and ascertaining, upon hearing what the court's instructions were, that their theory of the law, and, therefore, its application to the facts, was wholly afled from what the court deemed it should be. One thing that this bill seeks to accomplish is to have the law laid down by the court to the jury before the argument of counsel shall take place.

The other proposition is that of requiring the judge not to express an opinion upon the facts. The bill provides:

That hereafter in any cause pending in any United States court, triable by jury, in which the jury has been impeached to try the issue of facts, it shall be reversible error for the judge presiding in said court to express his personal opinion as to the credibility of witnesses or the weight of testimony involved in said issue.

I have had the experience, and I doubt not all others who have tried cases in the Federal courts have had similar experience, of having the Federal judge express an opinion upon the credibility of a witness, as to his being unworthy of belief, and as to the effect of the testimony given by a certain line of witnesses, and then, after having expressed his opinion and advised the jury as to his view, in the closing sentence of his instruction, perhaps, say that, "While the judge has expressed the opinion upon this state of facts and upon this witness or that witness, the jury will understand that they are the sole judges of the credibility of witnesses and of the facts," which, of course, does not remedy at all the effect of the judge's previous statement. When a Federal judge presiding says to a jury, "This line of evidence proves so and so," or "fails to prove anything," or "this witness or these witnesses are not credible witnesses," it amounts to nothing in a practical way for him later to say to the jury that they are the judges of the credibility of the witnesses. The effect of the influence and the power of the judge has been exerted and the compliance with the spirit of the Constitution in afterwards instructing the jury that they are the judges of the evidence and the credibility of the witnesses accomplishes very little.

I think, Mr. President, so long as we retain the jury system that the jury should be the sole judges of the facts and that when they come to judge the facts they should have the law from the court and nothing but the law, and that the instruction as to the law should be given in time to enable the counsel who represent clients to argue the facts in the light of the law which the court has announced. I support the bill, Mr. President, because I think it the more orderly way of presenting a cause intelligently to the jury.

Mr. REED of Pennsylvania. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania desire to raise a point of order? The Senator has already spoken once upon the bill and, under Rule VIII, it is not in order for him to speak again.

Mr. REED of Pennsylvania. I ask unanimous consent that the restrictions on debate under Rule VIII shall not apply.

The PRESIDING OFFICER. Is there objection?

Mr. CARAWAY. That would mean, Mr. President, that the Senator could take an hour. I am perfectly willing that he should have any reasonable time, and I shall make no objection to his having a reasonable time to discuss the measure, but I do not think the debate should be altogether unlimited.

Mr. REED of Pennsylvania. I am simply pressing my point in a pleasanter way. I also have the option of objecting to the bill and of forcing the Senator to move to take it up, and if he does that, then the restriction on debate will not apply.

Mr. CARAWAY. I shall not object.

Mr. NORBECK. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota will state his parliamentary inquiry.

Mr. NORBECK. Do I understand that the request that the restriction on debate be removed shall merely apply to the Senator from Pennsylvania? If so, I have no objection; but if it is to open the whole question to unlimited debate, I think I shall have to object.

Mr. BORAH. The granting of the request of the Senator from Pennsylvania will not interfere with the bill of which the Senator from North Dakota is in charge at 2 o'clock.

Mr. NORBECK. Very well; I shall make no objection.

The PRESIDING OFFICER. There being no objection, the unanimous-consent request of the Senator from Pennsylvania is granted.

Mr. SWANSON. Mr. President, what was the request?

The PRESIDING OFFICER. That the restrictions on debate provided by Rule VIII shall not apply in the consideration of this bill.

Mr. SWANSON. Did this bill come up by unanimous consent? The PRESIDING OFFICER. The bill came up under unanimous consent. Objection has been made and withdrawn. Under Rule VIII debate is limited to five minutes, and each Senator can speak but once.

Mr. SWANSON. Under the rule, after it is once taken up by unanimous consent, can one objection make it go over?

The PRESIDING OFFICER. The Chair understands that objection may be made at any time.

Mr. SWANSON. Then the Senator has the power to put the bill over anyway.

Mr. REED of Pennsylvania. Certainly. I am simply trying to do it pleasantly, instead of being forced to object to the bill and having a motion made and coming to the same end in the long run.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. REED of Pennsylvania. Mr. President, I think the Senate ought to remember that this bill applies as well to criminal cases as it does to civil cases. If there is one thing about which every lawyer feels a consciousness of shame, it is the tardy administration of justice in criminal cases in the United States. When we contrast the trial of criminal cases here with those tried in England, when we see how much more rapidly they reach their judgments, when we realize that their decision is just there in quite as large a proportion of the cases as in this country, we are impressed with the necessity of doing all that we can to avoid technicalities and speed up the procedure in the administration of our criminal law.

Now, see the result if we pass this bill.

A defendant may be convicted of a crime on wholly discreditable evidence for the prosecution. Without being tied down as this bill will tie him, the judge may say to the jury in the original trial of the case that in his opinion the testimony of the prosecution does not carry much weight, and that he does not believe that it justifies a conviction. Nevertheless, this bill would force the judge to let the case go on to the jury without that helpful expression of opinion; the verdict would be one of guilty, and then the judge would have to set aside the verdict and let the case go back for a new trial and a repetition of the whole business, because in his opinion the verdict is against the weight of the evidence.

Mr. CURTIS. Mr. President, has the Senator overlooked the proviso in line 8, reading:

Provided, That nothing herein contained shall prevent the court directing a verdict when the same may be required or permitted as a matter of law.

Mr. REED of Pennsylvania. No; I have not forgotten that; but it often happens that the weight of the evidence is all in favor of one side, and yet there is some evidence that requires submission to a jury.

Mr. CURTIS. But, Mr. President, in all the practice in the States and in the United States courts, too, if in the opinion of the court the evidence does not warrant a verdict, the court has the right to instruct the jury to return a verdict of "not guilty."

Mr. REED of Pennsylvania. The phrase "does not warrant a verdict" is a little bit loose. If there is no evidence to sustain a verdict, the court has the right to direct a verdict. If there is some evidence, but if the weight of the evidence is against the verdict, the only thing the court can do is to let the case go to verdict and then order a new trial. I state that with some positiveness because I have had it used against me many times.

Mr. CURTIS. I state the matter with a good deal of confidence because I have tried a large number of cases in the State and the United States courts, and I know what the practice is in our part of the country, not only in the State courts but in the United States courts. I think this bill would be an immense improvement over the practice in the United States courts at this time, because a lawyer can hardly take up a case in some of the United States courts without finding the judge taking his side or the other side soon after the case is begun.

Mr. REED of Pennsylvania. Then perhaps the trouble is with the judges.

Mr. CURTIS. Perhaps.

Mr. REED of Pennsylvania. Perhaps we are more fortunate with our judges in the East, because we do not seem to have that trouble; and this control over the jury by the expression of opinion is found to be most salutary.

For that reason, Mr. President, this seems to me to be a step backward. The tendency of it will be to bring down the standard of judicial practice in the United States.

I am not the sole arbiter of judicial procedure in the Senate. I hope that some of our colleagues who have had the advantage of service on the bench will give us their opinions of the merits of this bill.

The PRESIDING OFFICER (Mr. McNARY in the chair). The bill is still before the Senate as in Committee of the Whole, and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

Mr. HEFLIN. Let us have the yeas and nays on that.

Mr. CARAWAY. It is a matter of unanimous consent.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

BILL PASSED OVER

The bill (S. 61) granting an increase of pension to Louise A. Wood was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PROTECTION OF MIGRATORY BIRDS

Mr. NORBECK. I move that the Senate proceed to the consideration of Senate bill 1271, being Order of Business 106, the migratory bird bill.

Mr. KING. Mr. President, will the Senator permit me to call for a quorum? There are a number of Senators who want to be here when that bill is taken up.

Mr. CURTIS. The motion would be pending if the Senator called for a quorum.

Mr. KING. Yes.

Mr. NORBECK. Am I to understand that the Senator from Utah objects to taking up the bill?

Mr. KING. No; I say a number of Senators are absent, and I desired to call for a quorum if the Senator was moving to take up the bill.

Mr. TYDINGS. I object to the consideration of the bill, Mr. President.

The PRESIDING OFFICER. The Senator from South Dakota has moved to take up the bill.

Mr. SMOOT. Mr. President, has anyone asked for a quorum?

The PRESIDING OFFICER. No; the request has not been made.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	La Follette	Sackett
Barkley	Edwards	McKellar	Schall
Bayard	Fess	McLean	Sheppard
Bingham	Fletcher	McMaster	Shipstead
Black	Frazier	McNary	Shortridge
Blaine	George	Mayfield	Simmons
Blease	Gerry	Metcalf	Smith
Borah	Glass	Moses	Smoot
Bratton	Gooding	Neely	Steck
Brookhart	Hale	Norbeck	Steiwer
Broussard	Harris	Norris	Stephens
Bruce	Harrison	Nye	Swanson
Capper	Hawes	Oddie	Tydings
Caraway	Hayden	Overman	Tyson
Copeland	Heflin	Phipps	Wagner
Coutzens	Howell	Pittman	Walsh, Mont.
Curtis	Johnson	Ransdell	Warren
Dale	Jones	Reed, Mo.	Waterman
Deneen	Kendrick	Reed, Pa.	Watson
Dill	Keyes	Robinson, Ark.	Wheeler
	King	Robinson, Ind.	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, there is a quorum present. The Senator from South Dakota [Mr. NORBECK] moves that the Senate proceed to the consideration of Senate bill 1271, notwithstanding the objection.

Mr. TYDINGS. Mr. President, are we still acting under the unanimous-consent agreement?

The PRESIDING OFFICER. It is proper for the Senator from South Dakota to move at this time to take up the bill, notwithstanding the objection. Objection was made, and he has the right to move to take it up, and that motion is not debatable until 2 o'clock. The question is upon the motion of the Senator from South Dakota.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. NORBECK. Mr. President, I ask that the clerk read the title of the bill.

The bill was read by title, as follows:

A bill to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. NORBECK. Mr. President, this is a modified bill, somewhat similar to bills which have been pending in the Senate for several years covering this same subject. A number of years ago a similar bill passed the Senate but did not pass the House during that Congress. A similar bill passed the House during another Congress and was not taken up in the Senate.

Briefly, it is a migratory bird refuge bill. Some splendid work was done in connection with the treaty with Canada through the agency of Great Britain for the establishment of migratory-bird refuges and the protection of migratory birds both in Canada and in this country.

The Dominion of Canada has provided 40 inviolate bird refuges. The condition in Canada is not so congested as is the condition here in this country; the birds are less disturbed than they are here. The trouble has been due not only to the hunting but to the encroachment of industrial activities, the waste of oil upon our waters, and the drainage of the swamps, which conditions have driven the birds away because they have no place to nest.

I want to emphasize the fact that the main thing provided for in this bill is the acquiring of some refuges. The idea is to stop unnecessary drainage by buying the lands suitable for bird refuges and preserving it. Nothing would be bought except in cooperation with the States, and upon their approval.

Mr. DILL. Mr. President—

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from South Dakota yield to the Senator from Washington?

Mr. NORBECK. I yield.

Mr. DILL. The Senator says the main purpose is to buy lands for refuges. So far as the people are concerned, would not the main effect of the bill be to compel everybody who wants to hunt anywhere in the United States to buy a Federal license?

Mr. NORBECK. If the Senator will wait, I will get to that after a little. The money must be raised in some way, and it is a question as to which way the funds shall be raised; that is true.

I ask that at this point the bill be printed in the RECORD.

Mr. DILL. May we not have the bill read?

Mr. NORBECK. If Senators desire, I shall be glad to change the request and ask that the clerk read the bill.

Mr. GERRY. I would like to have the bill read.

The PRESIDING OFFICER (Mr. CUTTING in the chair). The clerk will read the bill.

The legislative clerk proceeded to read the bill, which is as follows:

Be it enacted, etc., That this act shall be known by the short title of "migratory bird conservation act."

SEC. 2. That a commission to be known as the migratory bird conservation commission, consisting of the Secretary of Agriculture, as chairman; the Secretary of Commerce; the Postmaster General; and two Members of the Senate, to be selected by the President of the Senate; and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of Agriculture for purchase or rental under this act, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. The members of the commission hereby created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the same manner as for original appointment: *Provided*, That the ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the governor thereof, or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this act, of areas in his State.

SEC. 3. That the commission hereby created shall, through its chairman, annually report in detail to Congress, not later than the first Monday in December, the operations of the commission during the preceding fiscal year.

SEC. 4. That the Secretary of Agriculture shall recommend no area for purchase or rental under the terms of this act except such as he shall determine is necessary for the conservation of migratory game birds.

SEC. 5. That the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift or device, for use as migratory-bird reservations, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, including options when deemed necessary by the Secretary of Agriculture, from moneys to be appropriated by Congress from the migratory-bird conservation fund: *Provided*, That no lands acquired, held, or used by the United States for military purposes shall be subject to any of the provisions of this act.

SEC. 6. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this act, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General, but the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purposes of this act; but such rights of way, easements, and reservations retained by the grantor or lessor, from whom the United States receives title, shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as migratory-bird reservations; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights of way, easements, and reservations shall be subordinate to and subject to such rules and regulations.

SEC. 7. That no deed or instrument of conveyance shall be accepted by the Secretary of Agriculture under this act unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State.

SEC. 8. That the jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this act shall not be affected or changed by reason of their acquisition and administration by the United States as migratory-bird reservations, except so far as the punishment of offenses against the United States is concerned.

SEC. 9. That nothing in this act is intended to interfere with the operation of the game laws of the several States applying to migratory game birds in so far as they do not permit what is forbidden by Federal laws and regulations.

SEC. 10. That no person shall take any bird, or nest, or egg thereof, or knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike, embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this act, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; but nothing in this act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this act for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area.

SEC. 11. That the primary purpose of this act is to provide necessary areas for feeding and breeding places for migratory game birds in order that an adequate supply of said birds may be maintained, but when in the judgment of the Secretary of Agriculture a sufficient surplus of said birds exists, so that public hunting of migratory game birds on certain of said areas or parts thereof would not endanger the future supply of said birds, he may by public notice permit such public hunting, under such regulations as he may prescribe, free of charge, except for the regular migratory-bird hunting license provided for in this act and for licenses required under State laws. Whenever the surplus migratory game birds decrease so that further public hunting on any such area, in the judgment of the Secretary of Agriculture, might prove harmful to the future supply of said birds, he shall give public notice and close said area to hunting so long as said conditions prevail.

SEC. 12. That for the purposes of this act migratory game birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916.

SEC. 13. That no person shall take any such migratory game bird or nest, or egg thereof, nor shall any person take for scientific or propagating purposes any migratory bird mentioned in said treaty, or nest, or

egg thereof, unless and until he has a license pursuant to this act, and then he may take any such bird, or nest, or egg thereof, respectively, only in accordance with the Federal law and regulations of the Secretary of Agriculture adopted and approved pursuant thereto; such license, however, shall not be required of any person or member of his immediate family resident with him to take in accordance with such law and regulations any such migratory game bird on any land owned or leased by such person and occupied by him as his permanent abode, nor shall such license be required of any employee of the Federal Government or of any State or of any other person authorized by the Secretary of Agriculture to take in accordance with such regulations any migratory birds which have become seriously injurious to agricultural or other interests, nor of any employee of the Federal Government or of any State who is authorized by the Secretary of Agriculture to collect migratory birds and their nests and eggs for official, scientific, or educational purposes, nor of any person to capture migratory birds for banding in cooperation with the United States Department of Agriculture under permit of the Secretary of Agriculture for this purpose, and nothing in this act shall be construed to exempt any person from complying with the laws of the several States relating thereto.

SEC. 14. That each applicant for a license shall pay \$1 therefor and shall sign his name in ink on the face thereof, and each license shall be dated the day of issuance and shall expire and be void after the 30th day of June next succeeding its issuance. Every licensee shall have his license on his person at the time of exercising the privileges thereunder and he shall exhibit it for inspection upon request of any person authorized by the laws of the United States or of any State to enforce the provisions of this act.

SEC. 15. That licenses required by this act shall be issued, and the fees therefor collected, by the Post Office Department under regulations prescribed by the Postmaster General, and such licenses shall be available at post offices throughout the United States. The provisions of the act of January 21, 1914 (38 Stat. L. 278), as amended by the act of July 2, 1918 (40 Stat. L. 754), shall apply to such licenses and funds received from sales thereof in possession of postmasters.

SEC. 16. That all moneys received for such licenses shall be reserved and set aside as a special fund in the Treasury to be known as the migratory-bird conservation fund, to be appropriated from time to time by Congress, and when so appropriated shall be available until expended, as follows: Not less than 60 per cent thereof for the acquisition of suitable areas of land, water, or land and water, for use as migratory bird reservations, and necessary expenses incident thereto, and for the administration, maintenance, and development of such areas and other preserves, reservations, or breeding grounds frequented by migratory game birds and under the administration of the Secretary of Agriculture, including the construction of dams, dikes, flumes, spillways, buildings, and other necessary improvements, and for the elimination of the loss of migratory birds from alkali poisoning, oil pollution of waters, or other causes, but no part of such 60 per cent shall be used for payment of the salary, compensation, or expenses of any United States game warden, and not more than 40 per cent thereof for enforcing this act, the migratory bird treaty act, section 1 of the act approved May 25, 1900 (31 Stat. L. 187), sections 241, 242, 243, and 244 of the Penal Code, for cooperation with local authorities in wild-life conservation, for investigations and publications relating to North American birds, for personal services, printing, engraving, and issuance of licenses, circulars, posters, and other necessary matter, and for the repayment of the \$50,000 as provided for in this act; and the Secretary of Agriculture and the Postmaster General, respectively, are authorized and directed to make such expenditures and to employ such means, including personal services in the District of Columbia and elsewhere, as may be necessary to carry out the foregoing objects.

SEC. 17. That no person shall alter, change, loan, or transfer to another any license issued to him pursuant to this act, nor shall any person other than the one to whom it is issued use such license.

SEC. 18. That no person shall imitate or counterfeit any license authorized by this act, or any die, plate, or engraving therefor, or make, print, knowingly use, sell, or have in his possession any such counterfeit license, die, plate, or engraving.

SEC. 19. That for the efficient execution of this act, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce this act, shall have, with respect thereto, like powers and duties as are conferred by section 5 of the migratory bird treaty act upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce the act last aforesaid. Any bird, or part, nest or egg thereof, taken or possessed contrary to this act or to any regulation made pursuant thereto, when seized shall be disposed of as provided by section 5 of said migratory bird treaty act.

SEC. 20. That in order to pay initial expenses, including personal services in the District of Columbia and elsewhere, supplies, printing and distributing of licenses, circulars, posters, and other necessary matter, and all other expenses that may be necessary to carry into effect the provisions of this act, the sum of \$50,000 is hereby authorized

to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and when so appropriated shall be available until expended, which sum shall be covered into the Treasury by the Secretary of the Treasury in five equal annual payments from the migratory bird conservation fund.

Sec. 21. That any person, association, partnership, or corporation who shall violate any of the provisions of sections 10, 17, or 18 of this act, or who shall violate or fail to comply with any regulation made pursuant to section 10 hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10 nor more than \$500, or be imprisoned not more than six months, or both; and any person who shall violate or fail to comply with any other provision of this act or any regulation made pursuant thereto shall be liable to the United States in the sum of \$10 for the first violation, \$25 for the second violation, and \$50 for each subsequent violation, to be collected in a civil action in the name of the United States: *Provided, however,* That any person desiring to relieve himself from such action may pay such sum to the Secretary of Agriculture under such regulations as he may prescribe, and said Secretary is authorized for good cause to mitigate or remit the liability hereby created, and the gun or other firearm carried or used by such person shall be liable for the payment of the aforesaid sum and may be seized by any United States game warden or deputy game warden to be held until said liability is discharged, whereupon it shall be forthwith returned to such person. All sums so received by the Secretary of Agriculture shall be deposited in the Treasury to the credit of miscellaneous receipts.

Any person brought before a United States commissioner of competent jurisdiction for a hearing on a complaint charging a violation of sections 10, 17, or 18 of this act, or any regulation made pursuant to section 10 hereof, or of the migratory bird treaty act, or any regulation made pursuant thereto, or of sections 241, 242, 243, or 244 of the Penal Code, or any amendment thereof, and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner, such sum not exceeding the maximum fines prescribed by said acts and sections, respectively, as may be fixed by said commissioner, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation. Unless the amount so fixed by the commissioner, and the costs, to be paid at the hearing the commissioner shall require the usual bond for the appearance of the accused before the district court. Upon payment of said amount and costs within the time allowed by the commissioner such bond shall become null and void, otherwise to remain in full force and at the expiration of said time shall be transmitted by the commissioner to the district court in the usual course. All moneys received by a United States commissioner pursuant to this section shall be transmitted by him to the clerk of the United States district court for disposition in accordance with the law for the disposition of fines and costs collected in such courts; and each commissioner shall report in duplicate to the Attorney General quarterly, on or before the 15th day of January, April, July, and October of each year, all such proceedings had before him and all amounts of money received by him therein.

Sec. 22. That for the purposes of this act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.

Sec. 23. Nothing in this act shall be construed as authorizing or empowering the migratory bird conservation commission herein created, the Secretary of Agriculture, or any other board, commission, or officer, to declare, withdraw, or determine, except heretofore designated, any part of any national forest or power site, a migratory bird reservation under any of the provisions of this act, except by and with the consent of the legislature of the State wherein such forest or power site is located.

Sec. 24. That the patrol for the protection of migratory birds on Federal migratory bird reservations in any State may be carried on by such State, through its agency or agencies charged with the administration of its game laws, concurrently with the Secretary of Agriculture whenever so authorized by its legislature.

Sec. 25. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of \$5,000, is hereby authorized to be appropriated out of the migratory bird conservation fund. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

Sec. 26. That if any provision of this act or the application thereof to any person or circumstance is held invalid the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Sec. 27. That this act shall take effect upon its passage and approval, except the provisions requiring the use of licenses, which shall take effect on the 1st day of July, 1928.

During the reading of the bill—

Mr. FESS. Mr. President, I ask unanimous consent to dispense with the further reading of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. NORBECK. Mr. President, in view of the fact that the Senator who wanted to have the bill read has not remained in the Chamber while the bill was being read, I suggest that it simply be printed in the *RECORD*.

Mr. DILL. Mr. President, the Senator made the request that the bill be read, and it should be read.

Mr. NORBECK. The request is now to dispense with the further reading of the bill, but if the Senator objects that will end it.

Mr. DILL. I object. The Senator asked that the bill be read.

Mr. NORBECK. The Senator who asked for the reading of the bill is not in the Chamber.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, a motion is in order to proceed to the consideration of the bill.

Mr. NORBECK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORBECK. Do I understand the Chair holds that it is necessary to make a motion at this time in order to proceed with the consideration of the bill? If so, I move that we proceed to the consideration of the bill, notwithstanding any objection.

Mr. ROBINSON of Arkansas. Mr. President, if there is no unfinished business before the Senate, I do not see the necessity of moving to proceed to the consideration of a bill which is already under consideration. There is no unfinished business. It is an unusual situation in the Senate. Ordinarily at 2 o'clock the Chair would lay before the Senate the unfinished business, that hour now having arrived, but there being no unfinished business I doubt very much the procedure suggested.

Mr. SHEPPARD. Mr. President, I make the point of order that the pending bill, being still before the Senate at 2 o'clock and there being no other unfinished business, becomes the unfinished business.

The PRESIDING OFFICER. The Senate is proceeding under Rule VIII, which provides that—

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions, and continue such consideration until 2 o'clock.

The motion to proceed to the consideration of the bill is in order.

Mr. SHEPPARD. Will the Chair rule upon the point of order I raised? I made the point of order that the pending bill, having been before the Senate when the hour of 2 o'clock arrived and there being at that hour no other unfinished business, became the unfinished business.

Mr. CURTIS. Mr. President, I understand it has been so held on two or three different occasions.

Mr. ROBINSON of Arkansas. I think that is the correct solution.

Mr. CURTIS. If it is not, I suggest to the Senator from South Dakota that he submit his motion to proceed to the consideration of the bill.

The PRESIDING OFFICER. The Senator from South Dakota has already made the motion.

Mr. ROBINSON of Arkansas. The motion is debatable and I wish to be heard on it.

Mr. SHEPPARD. Will the Chair rule upon my point of order?

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. ROBINSON of Arkansas. Mr. President, there is pending before this body a bill reported from the Committee on Commerce commonly known as the flood control bill. There is great necessity for the early consideration of that measure because it is one of the big questions before the Congress of the United States. The Committee on Commerce has reported a bill, many of the features of which have challenged criticism and invited amendment.

It was expected when the Congress met that flood-control legislation would be given a priority over measures which were not of an emergency nature. There were difficulties in the problem which are not commonly understood. A long period has elapsed since the Congress met and no action has as yet been taken by either body. Many disputed features of the legislation remain unsettled. During the last few days there have been conferences designed to work out agreements which would facilitate the passage of flood-control legislation.

I want to commend the spirit which has been exemplified by the Senator from Washington [Mr. JONES] in his control, as chairman of the Committee on Commerce, of the measures submitted to the Senate respecting this subject. He has been ready at all times to deliberate upon the questions presented and he has been quick to yield his personal views in order to promote the end which so many Senators desire.

There exists in the two Houses of the Congress diverse viewpoints respecting the legislation. The session is already well advanced. It is entirely possible that such differences may manifest themselves in the progress of the debate respecting flood control, that the session may approach its end with nothing done. To my mind that would be a calamity for which the Members of Congress would not wish to be responsible. Even after the two Houses have passed a flood control bill there will be differences which will prove very difficult to harmonize and reconcile. I state this to show the necessity for early consideration and action concerning the subject of flood control.

Comparing the importance of flood control with the bill which is now brought forward, I think there can be little difference of opinion as to the conclusion that flood-control legislation is of far greater importance. Some time ago the majority steering committee placed on its calendar for consideration the bill which the Senator from North Dakota now moves to be considered.

Mr. NORBECK. Mr. President—

Mr. ROBINSON of Arkansas. I yield.

Mr. NORBECK. Perhaps it is expecting too much that my residence shall not be moved, but I do not want to be moved from State to State. However, that is not what I rose to refer to. I am not from North Dakota nor from North Carolina. [Laughter.]

Mr. ROBINSON of Arkansas. I apologize to the Senator. By a mere inadvertence I said North Dakota when I should have said South Dakota. I apologize to the Senator from South Dakota and to the Senator from North Dakota, if any apology is required. [Laughter.]

Mr. NORBECK. It has been my pleasure to be a member of the so-called steering committee, or, rather, the committee on order of business. The first knowledge I had about the urgency of flood control as coming to that committee was at a meeting about 10 days ago when a joint request came from the Senator from Arkansas [Mr. ROBINSON] and the Senator from Kansas [Mr. CURTIS] that it might be placed on the calendar immediately after the migratory bird bill. I helped to place it there.

Mr. ROBINSON of Arkansas. If the Senator will permit me, I was just about to proceed to make that statement.

I have said that, in my judgment, there is no comparison between the importance of the proposed legislation for flood control and the importance of the bill relating to migratory birds. With amendments which are in contemplation, I expect to support the latter bill. As the Senator from South Dakota knows, I have heretofore taken that attitude. But I realize that there is bitter opposition to the migratory bird bill. It has been brought forward in the Senate repeatedly and in different sessions of the Congress debated week after week. I have never contributed to any degree to that process. I recognize the fact that there are still Senators who are likely to make an effort to prolong debate on the migratory bird bill.

Mr. NORBECK. Mr. President, if the Senator will yield, I should like to make a brief statement in connection with that matter.

Mr. ROBINSON of Arkansas. I am always glad to yield to the Senator from South Dakota.

Mr. NORBECK. A similar bill has once passed this body and at another session of Congress passed the other body. There was considerable opposition to the bill here in the last Congress when we had it up for consideration, especially by one Senator who opposed it very vigorously, and interposed a good many objections to it, with the result that the Senate spent about 13 or 14 hours in consideration of the bill, covering many days, because many other matters were taken up in the meantime. That Senator came to me two weeks ago, when the bill was reached, when there was no other matter of urgency pending, and when everybody was ready to take it up. He said if we would permit it to go back to the committee and have a further hearing there, he would not filibuster against it; but he was still opposed to it, and stated that he would make a speech against it and vote against it, but would not prolong the fight, and would give us a chance to get a vote on it. I wanted to make the matter entirely harmonious, and so I arranged to have the committee hold hearings on the bill. The Senator brought his witnesses here and they were heard,

and the bill is reported now back to the Senate. I have done my part and I am ready for him to do his part with reference to the bill.

Mr. DILL. Mr. President, may I say a word?

Mr. ROBINSON of Arkansas. I yield to the Senator from Washington.

Mr. DILL. I think the Senator from South Dakota probably refers to me, although I was not the only one, as I think there were two or three Senators involved. I had an understanding, as I thought, with the chairman of the Committee on Agriculture and Forestry last year that I would have an opportunity to present witnesses and be heard before the bill was reported out of committee. The chairman of that committee stated that he overlooked my request and did not realize that I had asked for such hearings. The bill was reported and was on the calendar. When it was brought up in the Senate I objected to the bill being taken up at that time and asked that a hearing might be had before the committee.

I said I would not filibuster, but I do intend to discuss the bill at some length. I do that because I think it is the entering wedge for extending the bureaucratic system of the Department of Agriculture out into the country such as has never been done in the history of the country before. I intend to oppose the bill with all the vigor I possess, and I shall discuss it at some length.

Mr. MAYFIELD. Mr. President, may I inquire if there is not a provision in the bill to bar the country boy with a single-barrel shotgun?

Mr. ROBINSON. Not on his own ground.

Mr. DILL. Not on his own ground? If he is anywhere in the United States with a gun he can be charged with attempting to shoot migratory birds and brought into court.

Mr. ROBINSON of Arkansas. Mr. President, I am not now discussing the merits of the bill. I want to state some considerations which I think will prove of importance in the further deliberations of the Senate. It is perfectly apparent, even while I have been trying to go forward with my statement, that there is serious opposition to the bill; that the opposition is not confined to a single Senator; that it may be a long time before the bill shall be disposed of.

What I want to say now, and to make clear, is that while I shall cooperate with the Senator from South Dakota [Mr. NORBECK] to bring the bill before the Senate, I do not commit myself to the policy or to the purpose of maintaining it here to the exclusion or the prevention of legislation of greater importance. I think the duty of the Senate is to deal with the big questions before it as promptly and as effectively as is possible, and I am not willing, once the migratory bird bill is before the Senate, to say that other more important measures shall not be brought forward, if conditions regarding debate may indicate—as I anticipate in all probability they will—that this measure of relative unimportance is obstructing legislation of greater importance.

Mr. EDGE. Mr. President, may I ask the Senator from Arkansas a question?

Mr. ROBINSON of Arkansas. I yield to the Senator from New Jersey.

Mr. EDGE. I am asking the question for information, knowing the Senator's great interest in the subject to which he is referring. Are those who are either proponents or who have acquiesced in some form of flood-control legislation now prepared to open the discussion upon it? So far as I am concerned, if they are, I think the debate should go ahead right away.

Mr. ROBINSON of Arkansas. I was just about to proceed with that phase of the subject. I do not understand that the proponents of flood-control legislation are entirely ready to take up the measure. I recognize the right—or the privilege, if Senators prefer that expression—of the chairman of the Commerce Committee to control, within reasonable limitations, the time when that measure shall be brought before the Senate. I understand that negotiations are still in progress among Members of the Senate with respect to proposed amendments to the flood control bill as it has been reported which may, and in all probability will, result in agreement that will facilitate the passage of the flood control bill.

For that reason I defer to the Senator from Washington [Mr. JONES], and I consent, in so far as I am capable of consenting or am authorized to consent to anything, that the arrangement which was made before the flood control bill was placed upon the calendar for consideration shall go forward.

I anticipate, however, that a condition may arise in the Senate when it will be necessary to take some action looking to bringing the flood control bill forward.

Mr. JONES. Mr. President—
Mr. ROBINSON of Arkansas. I yield to the Senator from Washington.

Mr. JONES. I think probably that I ought to say here that a meeting of the Commerce Committee has been called for tomorrow morning for the purpose of considering some of the amendments which have been proposed to the bill as reported to the Senate. Some of the amendments are quite strongly urged by members of the committee. After the committee meeting to-morrow morning I shall be ready, so far as I am individually concerned, to take up the bill at any time. I have been ready, so far as that is concerned, I might say, during the last week, but I rather believe that we shall make progress by proceeding in an orderly way. Before the flood control bill was reported the steering committee had recommended the migratory bird bill to come up in the order in which it is now coming up; so I felt that we would really expedite matters by following that course. As I have stated, a meeting of the Commerce Committee has been called for to-morrow morning, and it is hoped that we shall be able to reach an agreement upon some amendments which might otherwise cause considerable debate. I believe we shall be able to make time in the way we are proceeding. After the meeting of the committee to-morrow morning, I shall be ready, whether we reach a special agreement to-morrow morning on those amendments or not, to take up the flood control bill whenever it may be deemed proper to do so.

Mr. ROBINSON of Arkansas. I am in entire accord with the Senator from Washington. I want again to commend the spirit of conciliation, and, I might say, of liberality, which he has displayed since the bill providing for flood control has been reported to the Senate. He is earnestly working, as are a large number of other Senators, to prepare legislation that will be effective in accomplishing the purpose of flood prevention or control within the Mississippi Valley. I wish to take this occasion publicly to acknowledge my recognition of the disposition that he has displayed; and I infer from his closing statement that he is in accord with me in the assertion that a bill which has been before the Senate so long as the migratory bird bill has been, and concerning which no final action has been taken save its passage once through the Senate, ought not to be permitted indefinitely to delay the measure advanced by the Senator from Washington, which is known as the flood control bill.

Mr. DILL. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON of Arkansas. Certainly.

Mr. DILL. I wish to say in that connection that the migratory bird bill which previously passed the Senate did not contain the objectionable provisions which this bill contains. The migratory bird bill that then passed did not propose to employ Federal game wardens and require Federal licenses, as this bill proposes.

Mr. ROBINSON of Arkansas. Mr. President, that raises an element of controversy which may very properly be discussed when the bill shall be before the Senate, if it shall be brought before the Senate.

Mr. JONES. Mr. President—

Mr. ROBINSON of Arkansas. I again yield to the Senator from Washington.

Mr. JONES. I wish to say that I agree with the Senator from Arkansas that it would be a calamity for this session of Congress to adjourn without the passage of flood-control legislation; I think it would be absolutely inexcusable, and, so far as I am concerned, this session of Congress is not going to adjourn until flood-control legislation is enacted if I can prevent it. I shall hasten action just as rapidly as I can in order to accomplish what I consider absolutely essential legislation at this session.

Mr. ROBINSON of Arkansas. Again, Mr. President, the Senator from Washington and I are in complete accord. No effort that I can make will be spared to secure the passage of a reasonable and adequate flood-control measure. I do not want that measure to interfere with the fair consideration of other measures, but if an effort should be made to adjourn this Congress—and Senators may think now that that is a far-fetched fear—if an effort should be made to adjourn this Congress before flood-control legislation has been finally passed there will arise a condition in the Congress of the United States, and particularly in the Senate, to which nothing that has ever happened before can be compared.

The biggest question before the Congress now is flood control. The entire Nation was awakened to its importance by the occurrence of a disaster which human language can not describe. I saw the muddy, murky currents of a thousand, aye ten thousand streams gather their mighty volumes and empty themselves into the Mississippi River. I saw fields desolated, homes destroyed, cities submerged. I saw men quit

their homes and go out on the levees and work day and night in an effort to stem an irresistible tide. And I saw women gather themselves where the levees were threatened and give the best service that they could perform in an attempt to prevent the levees from breaking. Thousands were driven from their homes. Refugees gathered on narrow strips of land and saw the yellow waters rise until they were threatened with drowning. Hundreds of thousands saw the accumulations of a lifetime swept away and destroyed. The unconquerable spirit, the matchless energy, the determined purpose disclosed by many agencies is recorded in a chapter that thrills the heart.

While the great calamity which caused so much disaster, the loss of many lives, and the destruction of hundreds of millions of dollars of property was prominently in the minds of Members of Congress and of the public not vitally connected with the problem, there seemed no doubt legislation would be quickly brought forward and enacted to prevent the recurrence of such losses in the future. It is not known, but it is true, that there is real danger that effective legislation on the subject may not be passed at this session of Congress; and what I want to make plain, if I can, is that those who regard flood-control legislation as of paramount importance shall not commit themselves to the policy of postponing action until the passage of an adequate measure may become impracticable if not impossible. Giving to the subject the time to which it is entitled, recognizing for flood-control legislation the priority which its importance demands, we shall encounter grave difficulties before a satisfactory measure can be passed; and I want to say now to the Senator from South Dakota and to all other Senators that I think we should recognize the supreme importance of flood-control legislation. Having done that, I am willing and ready that measures of comparatively small importance may take the place which sound sense ascribes to them.

Mr. CURTIS. Mr. President, I think the Senate agrees with the Senator that flood control is of more importance than this bill; but the Senator should remember that when this program was arranged the flood control bill had not been reported, and the steering committee acted upon the measures that were presented to it.

Mr. ROBINSON of Arkansas. I stated that.

Mr. CURTIS. I happened to be out of the Chamber when the Senator made that statement.

Mr. ROBINSON of Arkansas. Of course, if the proposition were a new one and it were a choice between the migratory bird bill and the flood control bill, to be determined upon their relative importance, there could be no question as to what my attitude would be. I have said that, so far as I am able to consent to anything, I consent to the consideration of this bill; but I do not imply that it shall be kept before the Senate indefinitely.

Mr. CURTIS. I should like to assure the Senator that, so far as this side is concerned, everything will be done that can be done to hasten action upon flood control and also upon the farm relief measure.

Mr. ROBINSON of Arkansas. I am very glad to hear it.

Mr. President, I desire to have printed in the RECORD a press report concerning the resolution or decision of what is known as the Tri-State Committee with respect to the subject matter of flood control legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

VALLEY SUPPORTS JONES FLOOD BILL—TRI-STATE COMMITTEE URGES CONGRESS ADOPT IT BEFORE SESSION ENDS—ASKS FOUR AMENDMENTS—MISSISSIPPI RIVER COMMISSION NOT TO BE INTERFERED WITH IS STIPULATION SUGGESTED

MEMPHIS, March 15.—The Tri-State Flood Control Committee to-day unanimously indorsed the flood control bill of Senator JONES, of Washington, which the Senate Commerce Committee has reported favorably, and called upon Senators and Representatives from the Mississippi Valley to support it.

The committee, which represents Arkansas, Louisiana, and Mississippi, also urged friends of the valley throughout the country to use their influence to secure passage of the bill.

"While we still maintain that flood relief is a national obligation that should be discharged solely at Federal expense," said a statement issued by the committee after an all-day session, "we are prepared to accept the provisions of the Jones bill, notwithstanding its requirement for some local contribution, because of the urgency of our need and the necessity for the speedy passage of some remedial legislation."

FAILURE THREATENS DISASTER

Failure of such legislation, the statement continued, "is fraught with too much woe and disaster to our country for us not to make every

reasonable concession to avoid such failure." The committee urged that the bill be amended substantially as follows:

That it be made clear that it does not curtail the present territorial jurisdiction of the Mississippi River Commission as to the Mississippi River and its tributaries. That it provide that water diverted through any spillway, flood way, or diversion channel constructed under the provisions of the act shall be regulated, confined, and controlled. That section 5 be clarified so as to show specifically that the Government shall make fair compensation for all property taken, damaged, or subjected to flowage rights in carrying out the provisions of the bill, and that the remedy provided can be invoked either by the Government or at the instance of any party aggrieved.

DELAYS BY CONGRESS NOTED

Pointing out that three and a half months have passed since Congress convened and that no flood-relief measure has been enacted, the committee declared it felt that "further delay seriously jeopardizes the passage of any such legislation at this session, and that it is imperative that the friends of the valley concentrate upon some bill which will afford an adequate measure of relief rather than risk the dire possibility of an adjournment of Congress without flood legislation."

MARTINEAU URGES UNITY

"It is now time," said Federal Judge John E. Martineau, of Arkansas, "to determine whether a modification of our wishes must be made in an effort to get what we can in the way of relief before this Congress adjourns."

"We must have unity of action. A delay might be fatal to the Mississippi Valley. The question of flood control has remained a question since the flood subsided. It is flood time again, and, though there is no immediate fear of another inundation, the country is even less prepared for high water than it was last year. In a few places, I understand, all the gaps have not yet been closed."

"We are at the mercy of nature. Not only that, but the fact that the present Congress is moving to a close without definite action thus far is another reason we must consider it as a crisis. Something must be done, and if the valley must compromise and share part of the burden, it must know what it can do, and act in unity. That is the reason for this conference to-day."

Attending the conference were Judge Martineau, who until yesterday was Governor of Arkansas; former Gov. John M. Parker, of Louisiana; James P. Butler, president of the Canal Bank of New Orleans; L. O. Crosby, of Picayune, Miss.; Oscar Johnson, of Memphis, who represents Mississippi as president of the Pinelands interests; Harvey C. Couch, Arkansas power and railroad magnate; Col. John Fordyce, of Hot Springs, Ark.; and R. R. Rice, Little Rock representative from Arkansas and executive secretary of the committee.

Mr. HOWELL. Mr. President, it is evident from the remarks of the distinguished Senator from Arkansas that he regards flood relief as of paramount moment; and I do not minimize its importance. However, we have pending a measure for the relief of agriculture. In my opinion, this bill should have priority so far as legislation now before the Senate is concerned.

COTTON PRICES

Mr. SMITH. Mr. President, will the Senator allow me at this time to offer a resolution that is very necessary? If it calls for any discussion whatever I will not ask that it be pressed at this time, though it is every important. It simply asks for an additional appropriation to prosecute the investigation of the subcommittee of the Agricultural Committee. I ask the Senator to yield for a moment in order that I may ask unanimous consent for its immediate consideration.

Mr. HOWELL. Very well; I yield.

Mr. CURTIS. Mr. President, since this resolution asks for an additional appropriation, must it not go to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. SMITH. I see that under the law any additional appropriation has to be acted upon by the Senate. If the Senator will turn to page 136 of the rules he will find that it has to be acted upon by the Senate. That is the reason why I am asking it. I think every member of the subcommittee and everyone who has kept up with the matter will recognize the absolute importance of prosecuting this inquiry.

Mr. President, I ask unanimous consent for the immediate consideration of the resolution, because under the law we must have an authorization.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 172) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the limit of expenditures from the contingent fund of the Senate to be made under authority of Senate Resolution 142, agreed to February 13, 1928, hereby is increased from \$5,000 to \$30,000.

PROTECTION OF MIGRATORY BIRDS

The Senate resumed the consideration of the motion of Mr. NORBECK that the Senate proceed to the consideration of the

bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. HOWELL. Mr. President, in view of the situation and the expressions upon the floor of the Senate, I move as a substitute that the farm relief bill, known as Calendar No. 509, Senate bill 3555, be made the unfinished business.

The PRESIDING OFFICER. The motion is not in order.

Mr. HOWELL. Mr. President, a parliamentary inquiry. There is a motion pending?

The PRESIDING OFFICER. There is. The pending motion is the motion of the Senator from South Dakota [Mr. NORBECK] to take up the migratory bird bill.

Mr. HOWELL. I move, as a substitute for that motion—

Mr. ROBINSON of Arkansas. I make the point of order that a substitute motion is not in order.

The PRESIDING OFFICER. It is not in order.

Mr. HOWELL. Then I offer as an amendment to this motion that we take up as the next Order of Business, Calendar No. 509.

Mr. ROBINSON of Arkansas. I make the point of order that the motion is not in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOWELL. Mr. President, the question is, What are we going to do about farm relief in this session of Congress? We have waited weeks, we have waited months, and now it seems that there are other plans in view. The time to take up agricultural relief is now, and not to defer it and consider such a measure as proposed by the Senator from South Dakota. Neither should flood relief have precedence over farm relief. Therefore, I trust that the Senate will vote down the motion to consider the migratory bird bill at this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Edge	King	Robinson, ind.
Bayard	Edwards	La Follette	Sackett
Bingham	Fess	McKellar	Schall
Black	Fletcher	McMaster	Sheppard
Blaine	Frazier	McNary	Shipstead
Blease	George	Mayfield	Shortridge
Borah	Gerry	Metcalf	Simmons
Bratton	Glass	Moses	Smith
Brookhart	Gooding	Neely	Smoot
Broussard	Hale	Norbeck	Steck
Bruce	Harris	Norris	Steiner
Capper	Harrison	Nye	Stephens
Caraway	Hawes	Oddie	Swanson
Copeland	Hayden	Overman	Tydings
Couzens	Heflin	Phipps	Tyson
Curtis	Howell	Pittman	Wagner
Cutting	Johnson	Ransdell	Walsh, Mass.
Dale	Jones	Reed, Mo.	Walsh, Mont.
Deneen	Kendrick	Reed, Pa.	Wheeler
Dill	Keyes	Robinson, Ark.	

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from South Dakota [Mr. NORBECK].

CONTRIBUTIONS TO REPUBLICAN CAMPAIGN COMMITTEE

Mr. HARRISON. Mr. President, I shall not discuss the pending motion. I take it that the motion will prevail, and I will content myself with the expression of the hope that no filibustering tactics will ensue to prevent the consideration of the bill for a reasonable time, and to take a vote on it. Then, that we take up the flood-control legislation; and following that, farm relief.

I rose to say a few words with reference to a statement published in the morning papers emanating from one of the Senators from North Dakota, the chairman of the Committee on Public Lands and Surveys [Mr. NYE]. Before getting to that, however, let me recall a little past history. In 1919 Chairman Will Hays, of the Republican national campaign committee, in speaking of the committee, employed this language:

I want to see the people get an interest in politics. I want to see them interested in politics as they were in buying Liberty bonds. I want to see them exert a spirit in behalf of their Government in peace time. I want to see more people in politics for what they can give and not for what they can get out of it.

Then on August 20, 1920, Mr. Hays in looking after raising funds to prosecute the campaign of that year, he had a conference with Mr. Penrose. At that time, speaking in Phila-

delphia, where money hung upon trees and Mr. Hays was ready with his basket to catch it as it dropped, he said:

The plan—

Mr. Hays had a new plan at that time—

The plan is an innovation. It has been established in all States and is moving successfully. Its advantages are obvious.

That was the plan of getting \$1,000 contributions, and he gave out a statement saying that he would not accept more than \$1,000 campaign contributions. He said he desired the party to be a party of the people. He wanted it to be run by the people. Evidently circumstances later caused him to change his mind and plan. While he was on that same trip, and following a conference with Mr. Penrose, I presume, Mr. Hays said, on September 11 of that year:

It is an innovation of merit recognized by all. Because it is the first effort, it may not succeed. However, we have been several months in a campaign of publicity and organization to develop the idea, and we have every reason to believe that it will succeed. It is the purpose to endeavor to develop in Pennsylvania, as in other States, the effort to popularize the giving of money for campaign purposes by getting small contributions from a great many men and women rather than large contributions from a small number, thus forever eliminating any possible opportunity for sinister influences in connection with money.

Those were the views expressed by the distinguished chairman of the Republican national campaign committee in 1920, and it will be recalled with what pressure they put the boys out to work in those days in order to raise the money. Senators will remember in some of those bulletins that were issued from the headquarters presided over by Mr. Hays at that time he called them the "money boys," and told them to "step on the gas" and "give her full speed." I have here some of the expressions used in those days, and, if I recall correctly, my friend the junior Senator from Ohio [Mr. Fess] was the chairman of the House Republican campaign committee. Of course, I do not presume that these bulletins were issued with his collaboration or with his approval.

Mr. Hays said in this bulletin:

Boys, get the money. Harding and Coolidge have the confidence of the people. Buy, boys.

"Buy!" "Buy!"

Get the money. The weather is hot, the men are on vacation, meetings are hard to get; but, boys, get the money.

Here is another bulletin:

There are hills to climb, but if you want to make a hill at the same speed you have been running where the road is level you have got to give it more power. Give her the gas; step on it. Get the money.

Boys, please get the money.

Here is another bulletin:

Chicago's campaigns are to be conducted with four full-time divisions and five reserve divisions, which will swing into action the last three days on the public movement, functioning as a "mop-up" battalion.

At the bottom of these bulletins is this:

Our readers are requested not to make this publication public. It is confidential. It is exclusive. The names and the amounts subscribed by donors should not be made public.

Those are the bulletins issued under the direction of Chairman Hays back in 1920, and the idea became so prevalent that money was being corruptly and unjustly and profusely used at that time that the distinguished standard bearer of the Democratic Party charged the use of money in the amount of seven and a half million dollars. It was afterwards proven that the amount was far too small.

During that time Mr. Hays was calling for contributions limited in amount to a thousand dollars. Shortly afterwards they wanted to wipe out a deficit. The deficit was recognized to be something around a million and a half dollars. The Republicans had elected their President and had elected their Vice President, and the President then called a meeting, it will be remembered, of the big, fat fellows from over the country, who had more money than they knew what to do with. So the managers of the Government thought the time appropriate to part some of it from them. They followed the seductive way. They invited and dined them at the White House. The chairman of the Republican National Campaign Committee was present, and Wrigley and Patterson and the Cabinet members were present. Naturally they talked over party finances. That was the subject of conversation. The

operation then followed. The Baltimore Sun, which is before me, in flaming headlines the next morning, said:

The lid is off. Now the contributions may come in to any amount.

Then over in Chicago two days afterwards Mr. Upham, who was then the treasurer of the Republican national campaign committee, had a big meeting. He called in more of the fellows. Some of them who had attended the White House dinner went out to attend Upham's dinner. Four members of the Cabinet went. The President, who was then only a Vice President, went out.

Mr. SWANSON. What was the debt?

Mr. HARRISON. It was given as a million and a half.

Mr. SWANSON. What were the names of the four Cabinet members?

Mr. HARRISON. The four Cabinet members who went at that time were Mr. Weeks, then Secretary of War; Mr. Hays, who was then Postmaster General; the Secretary of Commerce, Mr. Hoover; and either Daugherty or Fall, or both, were present. The papers of the next morning, in speaking of the speeches before this conference, said Vice President Coolidge made a "rip-snorting" speech. I do not know what kind of a speech a "rip-snorting" speech is. I have heard the President make all kinds of speeches, but I do not think I have heard him make a "rip-snorting" speech. The article said that the Secretary of Commerce made a "humdinger" of a speech. It may be that he will show us in his campaigns in Ohio and Indiana just what a "humdinger" speech is. They were all tied together in 1921 trying to raise money to pay off this big debt of the Republican Party. There was the President, Hoover, Fall, Denby, Daugherty, Weeks, Mellon, and Hays.

Shortly after that they did raise it, and how did they raise it? They did not raise it at that meeting, but they concocted a scheme a little later on which has come out from the investigation being carried on by the Committee on Public Lands and Surveys. To whom did they apply to raise the money? Who was the angel of the Republican Party who was to furnish the sinews of war to wipe out this debt contracted under the direction of Will Hays? This debt that was then and had for months been giving these leaders of the party concern?

Mr. CARAWAY. Did the Senator say "war" or "oil"?

Mr. HARRISON. I said "war." It was Mr. Sinclair, who helped to organize the Continental Trading Co. and made money so rapidly that it piled up in its own reserve, and then they went out and bought the Liberty bonds. When Mr. Hays, then, in order to pay off this Republican debt, appealed to Mr. Sinclair, Mr. Sinclair said: "Yes, Bill; I will help to do it. Your crowd down there have been good to me. I am going to help you out in your troubles."

Upham, who was treasurer of the Republican Party, one month after the Teapot Dome lease was made wrote a letter to Republican leaders everywhere, and in that letter he said:

President Harding and his Cabinet have performed mighty satisfactorily.

Yes; they had performed satisfactorily. Thirty days before, as I said, they had leased Elk Hills and the Teapot Dome to Doheny and to Sinclair. So when Mr. Hays appealed to Mr. Sinclair the latter said, "Yes; here are the Government bonds. Take them. Here is \$75,000 that I contribute."

Of course, Bill forgot about that \$75,000 in bonds when he was testifying before the committee in 1924, I think it was. He said at that time that Mr. Sinclair gave him \$75,000 in cash, but in his more recent testimony he said it was \$75,000 in bonds that he had given to him. His memory had temporarily failed him. But Bill says now, "Sinclair, we want more than that. We want to pay off the debt. We have some creditors who are right on our heels." So Sinclair said, "Not only take this \$75,000, but take \$185,000 more."

That much has come out. The Lord knows how much more would come out if the truth were told as to what he had given to the Republican leaders in bonds to wipe out their debt. But he gave them the \$185,000 in addition to the \$75,000. He gave \$50,000 of it, I believe, over to Pratt to pay off some debt, and it developed afterwards that Mr. Pratt returned those bonds to somebody. He sent Mr. Upham \$60,000 of the bonds, and he gave to another member of President Harding's Cabinet, John Weeks, \$25,000 more of those bonds.

We used to think that there were two Cabinet members of this administration who had been touched by the Teapot Dome scandal, but more recent events show that others were touched by it through these Liberty bonds. Weeks was one of the leaders of the Republican Party. He had been in charge of the western headquarters in 1920, and to him was given \$25,000 of those bonds, through Hays, by Sinclair. Not only that. Mr.

Hays was then in the Cabinet. He had not resigned in 1922. Work, who is now the Secretary of the Interior, managing the campaign of Herbert Hoover, it is said, was then Assistant Postmaster General, under Will Hays, and his assistant on his executive committee in the management of the Republican campaign of 1920.

So every day it goes further on with more entanglements, more confusion, more scandal. Mr. Hays got the money. Then he came down to Andy, Handy Andy. He sent him a package of \$50,000 in bonds.

"Handy" did not remember how long he kept those bonds, but he kept them a while. He did not return them by the next mail. He received those bonds at a time following the broadcasting everywhere, by the newspapers, of the testimony of Magee and other revelations which had come out before the Committee on Public Lands and Surveys. If Mr. Mellon did not know at that time that Sinclair was involved and that he was being charged everywhere with having corrupted Fall and everybody else that he could in connection with the oil reserves, he was the only man in the United States who was ignorant of it. They had sent for witnesses from New Mexico. Those witnesses came up and had all testified. All this was being published in the papers at the time that Sinclair handed to Hays the \$260,000 of Liberty bonds, and while Hays was peddling them out to Republican leaders throughout the country in order to borrow money or to put them up as a pledge, so to speak. The country at the time was on fire over the scandal.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. HARRISON. Certainly.

Mr. CARAWAY. I hope the Senator will not forget to remark, however, that Mr. Mellon was very careful that those bonds should not corrupt other moneys. He took them home and put them under the mattress, I think, and did not mix them up with any other bonds.

Mr. HARRISON. Yes. Handy, whom some of the papers have seen fit to congratulate because he turned back to Hays this filthy lucre, kept it for some time; I do not know how long, and he did not know, and Hays did not know. But he kept it and finally Hays came down to see him when he was getting the bonds back from Pratt. When he saw the exposé about to come and was enlarging at too rapid a gait and was liable to bring everybody and everything connected with the Republican organization into it, then it was that he came down to see Mr. Mellon.

He talked it over with him. Perhaps that took place in the Treasury offices, but I do not know. Why did not you, Mr. Mellon, give to him those Liberty bonds at that time? No; he said they were not convenient at that particular time. They were too good to put into the vaults of the Treasury of the United States. He was unwilling to risk hiding them in his executive offices. So he kept them, as the distinguished Senator from Arkansas [Mr. CARAWAY] has said, in some place where no employee, no matter how confidential he might have been with Mellon, could see them or could touch them or could know anything about them. Several days afterwards he returned them to Mr. Hays, or to somebody.

But Mr. Mellon sent his check, and his check was dated, as I believe, December 6, 1923, for \$50,000. He sent that check to Mr. Upham out in Chicago, who was the treasurer of the Republican Party. That is the connection of Mr. Mellon. Why has he kept all this secret? Why has he not given the clue to the committee? He knew there was something wrong or he would have taken them. Still he kept his peace. He revealed nothing.

Mr. President, it seems that Sinclair, by organizing the Continental Oil Co., had evolved a scheme that many believed was conceived and executed in order to finance the Republican Party and pay off its debt and keep it entrenched in power here. He was giving these bonds to the ex-chairman, Mr. Hays, to go out and peddle them so that influences might be at work in behalf of Sinclair. He did not stop anywhere. Doubtless in his dreams and in his mind he thought that even though the Teapot Dome lease may have been fraudulently and corruptly made and that the American people would rise up and demand its cancellation, yet having loaned Liberty bonds to the directing head of the Republican Party and permitted this directing head to loan those bonds and give those bonds out to men in high places in the Republican Party—aye, those directing and controlling its affairs—that they would fly to his defense and would permit no wrong or justice to be perpetrated upon him. He felt secure in his paid-for position. He was then a prominent member of the Gold Guard.

Day by day, with all these matters coming out in the papers, no Republican Senator and no Republican Member of the House rises in his place either to defend Will Hays or "Handy"

Mellon or any other member of the Cabinet or any one in the service or control of the Republican Party at that time.

Not only did they do that, but they organized the Mammoth Oil Co., and put the fellows next to what was going to be done with the stock of that company. It was going sky-high. The fellows who were going to be on the inside could buy at a low figure, and in time it would go up and up, and they would reap their millions from Mr. Sinclair's speculations as well as his advice. My friends, there never has been written in all the history of our Government a blacker page and a more corrupt and scandalous attempt to debauch the Government, from the highest officers all the way down, than has been perpetrated in this instance. The Republican leadership fell for it. They have not had the courage to unloose themselves from it.

I congratulate the distinguished senior Senator from Idaho [Mr. BORAH] for the advice he has given to his party and for endeavoring to raise contributions to return the \$160,000. Of course, it could not make amends for what has been done, but it can in a small way show that there are some in the Republican Party who condemn the act and repudiate the methods of those who direct their party affairs. I know there are some who say the Senator from Idaho is just playing to the public. Some Senators in public addresses say it is a foolish idea on his part, but I suppose, even though he does not vote with the Republican Party all the time, that he has the interest of his party at heart and he knows that if the corrupting influence which has been at work in the Republican Party, not only through the Republican national organization but in Illinois and Pennsylvania and other places in the country, is permitted to continue, soon there will be nothing left but a mere shadow of the Republican Party.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. BROOKHART. The question I am going to ask is not in criticism of anything the Senator has said with reference to the Republican Party or its action, and not in defense of it. But I wonder if anybody in the Democratic Party is going to organize to pay Doheny back his contribution to the Democratic campaign fund?

Mr. HARRISON. The Senator may think that is powerfully funny, and he may excuse his good conscience from still trying to make the people in Iowa believe he is a Republican by making such a suggestion as that. If there were a way to point the finger of corruption at the Democratic Party during the eight years it controlled the Government, the Senator would have pointed that finger long ago. But it could not be done because there was nothing corrupt there to be pointed at, and yet the distinguished Senator from North Dakota [Mr. NYE], who happens to be chairman of the Committee on Public Lands and Surveys, on yesterday, speaking in Baltimore, away from Washington, is quoted as employing this language:

BORAH'S oil gift return plan foolish—

NYE SAYS—

Mr. BORAH wants to show that there is decency in the Republican Party—

Said Senator NYE—

His motives are the best, but he is unfair to the people. It is the poor devil who can not afford it who will put in his \$1 and \$5 and \$10 contribution.

Mr. President, I agree with little the Republican Party stands for, but, poor as I am, I will join with my Democratic colleagues here and in the House and with my Democratic friends throughout the country in assisting to raise this money to remove this much of the stain from the escutcheon of the Republican Party.

Yes; the Senator from Idaho is performing a splendid service. While my friend the Senator from North Dakota [Mr. NYE] does not agree with it, I imagine his constituents in North Dakota applaud more the course of the Senator from Idaho than the speech made yesterday in Baltimore by the chairman of the Committee on Public Lands and Surveys. But he did not stop there.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. HARRISON. Certainly.

Mr. ROBINSON of Arkansas. What is the theory upon which Mr. Sinclair is entitled to be reimbursed for this contribution? Upon what theory is it asserted as a great moral reform, after four years have passed, to pay back the \$160,000 to Mr. Sinclair? How is it expected to reform the Republican Party, by having those who neither knew anything about the contribution nor approved it, stand the loss? Is it contended that there was a breach of contract and a failure of consideration and that Mr. Sinclair had expected the naval oil reserve oil transaction to be

confirmed and he be given immunity for the transaction and that, failing in that, he should be reimbursed for his contribution? I myself can not see the very great reform in the movement of the Senator from Idaho taking money out of his pocket and asking men associated with him in politics to make a refund to Mr. Sinclair. I have not the slightest doubt that under the circumstances as they now exist Mr. Sinclair will be very glad to receive his money back, and I am morally sure that no wholesome good will result to the public by paying it back to him.

Mr. CARAWAY. Mr. President, may I make a suggestion?

Mr. HARRISON. Certainly.

Mr. CARAWAY. It might be suggested that if Sinclair does not get his money back he will be unwilling to buy favors from the Republican Party in the future. One must get and maintain a market for his goods and wares. I can see no other purpose in it.

Mr. HARRISON. I do not think there was any breach of promise to Sinclair upon the part of the Republican administration, nor was there any failure of consideration. I think it absolutely impossible to reform the Republican Party [laughter], but if the Senator from Idaho wants to do this thing I think it is commendable in him.

Mr. REED of Missouri rose.

Mr. HARRISON. Does the Senator from Missouri want to ask me a question?

Mr. REED of Missouri. I was going ask the Senator if this is to be treated as a conscience fund? If so, it seems to me this is an irregular way to raise a conscience fund. Generally a conscience fund is supposed to be contributed to by the man whose conscience hurts him because he has taken somebody else's money and wants to restore it. In this case it is proposed to take other people's money and restore it to the rogue who improperly employed his money in the first instance.

Mr. HARRISON. Of course, the Senator from Idaho, it may be, has a statute in his State, as there are statutes in certain States, that he who receives stolen goods commits a crime and is subject to the same conviction and the same penalty as is imposed on him who stole the goods; and so he and his colleagues may not want to be found guilty of that particular crime.

Mr. REED of Missouri. Mr. President, without desiring to cavil, the Senator from Idaho did not steal this money nor did he get it corruptly nor did he touch it. As near as I can make out, though, if this deal goes through, Sinclair will be \$160,000 better off, and the money is going to be contributed by a lot of good men. If it was going to restore the status quo, I could see a reason for it; but to restore the status quo we would have to go back prior to the election and restore a condition that existed prior to the election. The use of this money enabled a lot of gentlemen or helped to enable a lot of gentlemen to get into office. The only way to restore the status quo would be for those gentlemen all to resign, have a new election, and have it on clean money; but they are not going to do that. Even Mellon is not going to resign, although he ought to be asked to resign.

I did not want to interrupt the Senator's trend of thought, but the curious thing to me about this whole business is why they put these bonds out in large sums in the hands of various prominent Republicans. If the deal was a clean one, if it was an honest one, if the bonds had been contributed by Mr. Sinclair in an honest way, all they had to do was to carry them to any bank and have them instantly cashed or have sold them on the open market. Why is it that they rolled them up in packages and secretly sent them out to gentlemen? When they came in that way and the Secretary of the Treasury received \$50,000 worth of them—whether he kept them for one day or kept them for a month is immaterial—a time arrived when he concluded that it was not a straight transaction, and hence he would not have the bonds in his possession. Knowing that, why did not this Cabinet officer advise the committee that was trying to run down this iniquitous piece of business?

Mr. HARRISON. Of course, neither Handy Andy nor former Senator Butler had any idea that it was a clean deal. Both of those gentlemen even returned the bonds, one a little later than the other did, but finally they both returned the bonds. And neither of them, even though on this floor and everywhere opportunity has been accorded them, have ever divulged this queer and suspicious act.

There is just one other suggestion that I wish to make, and then I shall take my seat. The Senator from North Dakota [Mr. Nye] employed this language:

Besides these objections, Senator Nye said a return of Sinclair's money might open the way for a movement to return every contribution over \$25,000, and declared he could see little difference between the two major parties in the matter of campaign contributions.

I think it is unfair for the Senator from North Dakota to make any such statement as that. I think that it is unwarranted upon the part of the chairman of an investigating committee to give to the country any such statement as that. There is not a line of proof in the hearing to show that or to justify it. If the Senator from North Dakota believes, without proof, that the Democratic Party is just as corrupt as is the Republican Party in the matter of campaign contributions, with all this avalanche of evidence, then he has no discriminating mind at all.

He saw the statement of the treasurer of the Democratic Party; he saw before the committee and heard CORDELL HULL, the chairman of the Democratic committee. He knows there is no foundation for the statement; he knows by the facts that his statement last quoted is unwarranted and unfounded. It therefore does seem to me that we would get along better if we would expose the facts and lay no false blame upon some other party which is trying to rid the Government of these corrupt methods and give to the people the truth about this situation.

Mr. NYE. Mr. President, I should like to inquire of the Senator from Mississippi where in the newspaper article from which he has just quoted he finds that I have in any way insinuated or charged that Democrats had received any of the Continental Trading Co. Liberty bonds?

Mr. HARRISON. I will read again what the Washington Post quotes the Senator as saying—and the same quotation was in the Baltimore newspapers:

Besides these objections, Senator Nye said a return of Sinclair's money might open the way for a movement to return every contribution over \$25,000, and declared he could see little difference between the two major parties in the matter of campaign contributions.

Mr. NYE. Just so; but I made no reference to the Continental Trading Co. bonds; and I wish to say, Mr. President—

Mr. HARRISON. The Senator was talking about the Continental Trading Co. bonds.

Mr. NYE. I wish to say, so long as the question has been raised, that it will be a most remarkable thing if when the present investigation shall be concluded it shall not be disclosed that the hand of the Democratic Party was dealt with quite freely as well as was the hand of the Republican Party through these oil funds.

Mr. HARRISON. Mr. President—

Mr. NYE. Just a moment, please. It would be strange, for the good and simple reason that men of the Sinclair type are not confining themselves by any manner of means to one party in this country, but under the order that prevails to-day they are playing both ends against the middle. One party fares about as well as the other one does. The party of the Senator from Mississippi has not fared so well during recent years, for the good and simple reason, perhaps, that no man spends as much money in keeping a spare tire in repair as in keeping in repair tires that are in constant use. I say that without casting any reflections upon the party of the Senator from Mississippi, but that is the case; and my conclusion is this—

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for a moment?

Mr. NYE. I yield.

Mr. REED of Pennsylvania. It is customary to put more wind in the spare tire when it gets flat, is it not?

Mr. NYE. The point may be well taken.

Mr. HARRISON. Mr. President, will the Senator from North Dakota yield to me?

Mr. NYE. I yield.

Mr. HARRISON. May I ask the Senator does he now state from the facts before the committee that both major parties are equally to blame in the matter of campaign contributions?

Mr. NYE. No; I would not say that, Mr. President, but I do say that, in so far as those who were involved and who put up the money to influence the campaign and to buy the privileges and the favors which were accorded to the oil interests following the election of 1920 are concerned, they would in all probability have been just as successful had the Democratic Party won that election as they were with the Republican Party.

Mr. HARRISON. The Senator makes that statement, but he has no facts to base it on, has he?

Mr. NYE. I have just this fact: That Mr. Doheny, a Democrat, was as liberal with his contributions to one party as he was with his contributions to the other, and Mr. Doheny's interest was the same as was Mr. Sinclair's interest.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. SWANSON. For eight years they tried to get these oil lands from the Wilson administration, but they were refused and kicked out of the Capitol. Yet, with that knowledge, the Senator makes that charge.

Mr. NYE. Do I understand that Mr. Doheny did not contribute?

Mr. SWANSON. No; but for eight years efforts were made to misappropriate and use the Government's oil lands while the Democratic administration was in power. Secretary Daniels had those oil lands put into a naval reserve in order to protect them; yet the Senator makes that charge with those facts staring him in the face and is supposed to be the chairman of a disinterested committee.

Mr. NYE. Will the Senator from Virginia say that an attempt was not made during that administration to obtain possession of those oil lands?

Mr. SWANSON. Such an effort was made. We had an investigation about it. People had obtained some of the lands under fraudulent leases, which we vacated. I was chairman of the Committee on Naval Affairs which investigated the subject here running over two years. Yet with that knowledge in his possession the Senator, pretending to be the impartial chairman of the committee, makes that charge. It is made merely from impression and from his imagination.

Mr. NYE. Mr. President, I made the charge, and I repeat it, that had the Democrats been successful in the election of 1920, I believe that Sinclair, Doheny, and the other interested parties would have fared just as well as they did fare with the election going as it did.

Mr. HARRISON. Mr. President, let me ask the Senator does he not know that Doheny quit the Democratic Party because he could not corrupt it, and went into the Republican Party because he knew he could corrupt it? [Laughter.]

Mr. NYE. No; I do not know that to be the case.

Mr. HARRISON. He did do it, did he not?

Mr. NYE. Mr. President, my interest in this matter, I think, is about as impartial as it can be. I do not stand here on the floor at this time to excuse what was done by the Republican administration elected in 1920. I think they are deserving of all condemnation that may be heaped upon them, but I do argue that things not unlike what happened in the matter of the disposal of the naval oil reserves is a thing which has happened before, and which will continue to happen so long as we permit the present order to prevail.

That order is just this, that those who make handsome contributions to the party funds are those who are going to enjoy the great favors at the hands of the Government. I should like to ask those on the other side of the Chamber who are manifesting such an interest as they are at this time how they can excuse, how they can countenance the contribution of last week to help pay the deficit in the campaign fund of the Democratic Party that was made by Thomas F. Ryan. What can be said in excuse for the acceptance of that contribution?

Mr. HARRISON. Does the Senator ask me that question?

Mr. NYE. I will ask the Senator from Mississippi.

Mr. HARRISON. Because Mr. Thomas F. Ryan is a Democrat in principle; he has been all his life and he is now a retired business man. If he has ever asked a favor of any man in public life, I have never heard of it.

Mr. NYE. When did Mr. Ryan wash his face and hands in so far as the Democrats are concerned, in the estimation of the Senator, if ever he did?

Mr. HARRISON. He does not need to wash his face so far as the question of his being a Democrat is concerned.

Mr. NYE. I hold in my hand the proceedings of the national Democratic convention held in Baltimore in June and July of 1912, and I should like to offer at this time and read a short resolution which was offered in that convention by none other than a Democrat who, I believe, occupied, and even to-day occupies in memory, a more commanding place in the estimation of the people of this country than almost any other Democrat of recent years, namely, William Jennings Bryan.

Mr. Bryan offered this resolution:

Resolved, That in this crisis in our party's career and in our country's history this convention sends greeting to the people of the United States, and assures them that the party of Jefferson and of Jackson is still the champion of popular government and equality before the law. As proof of our fidelity to the people we hereby declare ourselves opposed to the nomination of any candidate for President who is the representative of, or under any obligation to J. Pierpont Morgan, Thomas F. Ryan, August Belmont, or any other member of the privilege-hunting and favor-seeking class; be it further

Resolved, That we demand the withdrawal from this convention of any delegate or delegates constituting or representing the above-named interests.

When, I ask, did Mr. Thomas F. Ryan wash his hands and his face?

Mr. WALSH of Montana. Mr. President, for the accuracy of history, I rise simply to take issue with my esteemed colleague,

the chairman of the committee, in his statement that the occurrences which have been the subject of investigation by the committee, or occurrences of that character or nature, have occurred before and will occur again.

I want to challenge that statement. Happily for the history of our country, nothing like it is recorded in its annals—nothing approaching it in its magnitude or in its criminality—and I do not like to admit the statement that anything of the kind is likely to happen again.

The staggering corruption of the Grant administration was picayunish in character as compared with the transactions which have been the subject of investigation by this committee. The gravity of the thing can not possibly be overestimated. I am surprised that the chairman of the committee should have made any such statement upon this floor. I should like to ask him now if he can recall any incident in our history at any time that bears any comparison, either in magnitude or in gravity, to these offenses?

Mr. NYE. I am frank to say that I can not and I do not; and I do not think I so implied.

Mr. ROBINSON of Indiana. Mr. President, I should like to ask the Senator from Montana a question. I do not like to bring into this discussion anyone who has passed away, but I am forced to do it in what I think perhaps is the interest of truth.

Is it not a fact that Hon. Franklin K. Lane, Secretary of the Interior in the last Democratic administration, did resign from the Cabinet and enter the employment of the Sinclair Oil Co. or some of its subsidiaries at a salary estimated at \$50,000 a year?

Mr. WALSH of Montana. No; the Senator has not it quite right. Upon resigning, Mr. Lane took employment with Mr. Doheny.

Mr. ROBINSON of Indiana. With Doheny? Doheny and Sinclair were very closely connected; and, Mr. President, just another question.

Mr. PITTMAN. Mr. President—

Mr. HARRISON. Mr. President, will not the Senator answer a question from me before he asks another question?

Mr. ROBINSON of Indiana. Just a second and I will.

Mr. WALSH of Montana. However, I do not imagine that the Senator from Indiana would think of comparing that offense, if offense it be, with the transactions that are the subject of investigation by this committee.

Mr. ROBINSON of Indiana. No, Mr. President.

Mr. WALSH of Montana. I thought possibly the Senator from Indiana was referring to that as supporting the statement made by the chairman of the committee.

Mr. ROBINSON of Indiana. No, Mr. President. This is what I had reference to:

I am under the impression—this, of course, was long before I was a Member of this body—that the legislation that made possible the very thing that has happened was enacted during the last Democratic administration.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. ROBINSON of Indiana. In just a second. I am under the impression also that in the debate that ensued—I perhaps shall have something to say about that a little later, when I can be fortified by the facts and by the CONGRESSIONAL RECORD—I am under the impression that the very distinguished Senator from Wisconsin, now gone, the Hon. Robert M. La Follette, sr., did question the able Senator from Montana during the process of this legislation on this very point, and that in the course of his remarks and his interrogation the distinguished Senator from Wisconsin did point out just what might happen. I desire to ask if the Senator from Montana did not defend the legislation at that time and suggest that these things would not take place; and if after that, and not so very long afterwards, the Secretary of the Interior under the Democratic administration, Mr. Lane, did not resign from the Cabinet and accept employment with these interests at \$50,000 a year, shortly thereafter followed by many of the executive officials of that same department in the Democratic administration?

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for a moment?

Mr. ROBINSON of Indiana. I have asked a question, but I shall be glad to yield to the Senator.

Mr. REED of Pennsylvania. I desire to ask the Senator whether his question implied any reflection on Mr. Lane.

Mr. GLASS. How could it imply anything else?

Mr. REED of Pennsylvania. Then, if it did, I want to say that I do not believe there is a word in the testimony or in the record of Mr. Lane's administration that would justify any reflection upon his integrity.

Mr. GLASS. Nor is there any act in his public or private life that would countenance any such outrageous suggestion as has been made.

Mr. REED of Pennsylvania. I am glad to accept the Senator's suggestion just as he has made it; and I would say the same thing were Mr. Lane alive and able to defend himself that I say to-day when he is dead and unable to.

Mr. JOHNSON. Mr. President, will the Senator yield to me for an instant?

Mr. WALSH of Montana. The Senator from Indiana has the floor.

Mr. JOHNSON. Will the Senator yield to me?

Mr. ROBINSON of Indiana. Yes.

Mr. JOHNSON. I want no part in this discussion. I have not risen for that purpose at all.

I was at college with Frank Lane. I was a member of the same Greek-letter fraternity with him at that college. I knew him for a lifetime. I do not care whether he took a position with Doheny or any other man at any sum, no matter what it was. Frank Lane was a decent, honorable, able, fine, upstanding American, who always did his duty patriotically and well, honestly and creditably, in every position, official or private, in which he found himself. [Applause.]

Mr. ROBINSON of Indiana. Mr. President, I am not undertaking to reflect on anybody's memory. I am asking a simple question. Is it not a fact that Hon. Franklin K. Lane was Secretary of the Interior, and that shortly after this legislation was enacted he did accept employment of this kind?

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. ROBINSON of Indiana. I yield.

Mr. BRATTON. Let us assume that to be the truth.

Mr. ROBINSON of Indiana. Well, is it the truth? That is what I am asking.

Mr. BRATTON. What comfort does the Senator from Indiana get from that kind of inquiry in connection with the discussion of the recent developments, so gigantic in corruption and in fraud and in repulsiveness to every American citizen that nothing that has ever gone before is comparable to them?

Mr. ROBINSON of Indiana. Mr. President, so far as that is concerned, I do not defend corruption anywhere. I despise it. I always have and always shall, whether it is in the Republican Party or the Democratic Party. I am undertaking to get some answers to these questions, that is all, and then the Senate and the country can draw their own conclusion.

I understand those things to be true. I will ask the Senator another question in that connection.

Mr. WALSH of Montana. No; I would rather answer the question the Senator has asked me first.

Mr. ROBINSON of Indiana. Very well.

Mr. WALSH of Montana. The Senator is quite right that the act under which these leases were made was passed during the Democratic administration, while, however, the Republican Party was in power in both Houses of Congress in the year 1920; but that is no discredit at all to the Republican Party, because the leases, as was determined by the Supreme Court of the United States, were executed in defiance of the statute, and not in pursuance of it.

I have to say also that the Senator is in error about Mr. Lane's resigning after this legislation was enacted. My recollection is that the statute in question bore date June 4, 1920, and my present recollection is that John Barton Payne was Secretary of the Interior at that time. I may be in error about that, but that is my recollection.

The Senator has referred to my own part in the matter. I have no recollection of ever being interrogated by Senator La Follette with respect to this legislation; but, since the Senator has brought it up, I might say that the resolution to investigate the leasing of the reserves was introduced by Senator La Follette after an address made by the Senator from Wyoming [Mr. KENDRICK], within whose State the Teapot Dome is located, and that I took hold of the investigation on the suggestion and at the very earnest solicitation of both Senator La Follette and Senator KENDRICK, and that I was acting in that matter in conjunction with Senator La Follette.

Mr. ROBINSON of Indiana. Mr. President, I should like to ask the Senator another question.

Mr. WALSH of Montana. I shall be glad to answer it.

Mr. ROBINSON of Indiana. I ask it purely for information and for no other reason, and I hope I shall not be accused of attempting to reflect upon anybody's character, living or dead, for that certainly is not my desire.

Does the Senator know whether or not the Secretary of the Interior of that day was requested to resign by the then President of the United States?

Mr. WALSH of Montana. Mr. President, that matter was fully disclosed in our hearings and it is a matter of public record. I have no hesitancy at all in stating what the facts were.

The Honolulu Oil Co. had made application for patents to certain placer-mining claims within naval reserve No. 2. I think it made application for patents to 17 claims. The Commissioner of the General Land Office recommended that it be given patents to 13 of these claims and that its application for 4 more be rejected. His recommendation went before the Secretary of the Interior, and the Secretary of the Interior either confirmed the opinion of the Commissioner of the General Land Office that the Honolulu Oil Co. was entitled to patents to these claims or he was about to do so, and either had done so and a motion for rehearing was pending or he had indicated his purpose to affirm the judgment below. The record discloses that word was sent to him by President Wilson that he desired to have the case reopened, and the case was reopened and further testimony was taken; and it was out of a disagreement between Secretary Lane and President Wilson with respect to that particular matter that Secretary Lane eventually sent in his resignation.

Mr. ROBINSON of Indiana. Do I understand the Senator to say that the President requested his resignation?

Mr. WALSH of Montana. I do not think the record actually discloses whether President Wilson requested his resignation or not. I think it does not.

Mr. ROBINSON of Indiana. Does the Senator know whether it does or not?

Mr. WALSH of Montana. No; I do not.

Mr. ROBINSON of Indiana. I would like to ask one other question of anybody who can answer it.

Mr. WALSH of Montana. So far as that is concerned, nobody doubts, so far as I have ever been able to discover, that Secretary Lane did not arrive at a conclusion in the matter which he thought was wholly justified by the facts and the law. There was a difference of opinion between him and President Wilson with respect to it.

Mr. ROBINSON of Indiana. Mr. President, I would like to ask one other question, either of the Senator from Montana or the Senator from North Dakota. I have been given to understand—I do not know whether it is true or not, but I think it is—that Mr. Harry Sinclair, during 1922, 1923, 1924, and possibly 1925, was a member of the State administration of New York, Governor Smith's administration, as a member of the racing commission there by appointment of Governor Smith. Is that true or not?

Mr. WALSH of Montana. I am unable to advise the Senator with respect to it.

Mr. ROBINSON of Indiana. Is there any evidence on that question?

Mr. NYE. There is no evidence that has come to my attention that Mr. Sinclair was a member of Mr. Smith's administration after 1920. That, however, is a matter with which our committee has had no relationship at all. I do understand that in the campaign of 1920, at which Governor Smith was elected, Mr. Sinclair was a very liberal contributor to his cause; and that following the election he was made a member of the Racing Commission of the State of New York.

Mr. WALSH of Montana. Mr. President, I want to inquire of the Senator from North Dakota, the chairman of the committee, whether he is speaking from information before the committee?

Mr. NYE. I have just made that very clear, and I hope the Senator will get it, that I was not speaking for the committee.

Mr. WALSH of Montana. Does the Senator speak from information—

Mr. NYE. He does.

Mr. WALSH of Montana. Before the committee?

Mr. NYE. Not before the committee.

Mr. ROBINSON of Indiana. I may say to the Senator from Montana that, as I understand the Senator from North Dakota, Harry F. Sinclair was a very liberal contributor to the campaign of Governor Smith, of New York, in 1920—and possibly also in 1922—and that subsequent to that campaign the Governor of New York did appoint Harry F. Sinclair as a member of the New York Racing Commission, and that he continued to hold that position through 1922, 1923, 1924, and probably 1925; that during all these years which this investigation has covered—during that entire period—the relations of Governor Smith and Harry Sinclair were very close and very cordial, because he was a part of the administration; and, Mr. President, I will go further and suggest that under these circumstances the chairman of this committee, which has done such excellent

work, might do well to summon the Governor of New York and let the Governor of New York explain his relations with Harry Sinclair during those five years.

Mr. NYE and Mr. REED of Missouri addressed the Chair. The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. ROBINSON of Indiana. I yield to the Senator from North Dakota.

Mr. NYE. The Senator makes an unreasonable request, because until it is disclosed that the Governor of New York was in any way involved in this oil scandal, was in any way a recipient of any of these Continental Trading Co. bonds, the Liberty bonds, the bonds which they held, it is not within our province to make any inquiry.

Mr. ROBINSON of Indiana. It may not be within the province of the committee to make an inquiry of that kind, but it seems to me that for the information of the country, as long as it has gone so far, the committee ought to go into every question connected with these bonds and with any contributions made by this man, who is now so much in the limelight.

Mr. NYE and Mr. REED of Missouri addressed the Chair. The PRESIDENT pro tempore. Does the Senator yield; and if so, to whom?

Mr. ROBINSON of Indiana. I do not yield at just this moment. That in connection with that inquiry, a lot of things will be brought to light that will show that over on the Democratic side, perhaps, there are those now possibly lurking in the dark who may know as much about these Continental bonds as anybody who has thus far testified.

Mr. WALSH of Montana. Mr. President, before the Senator takes his seat, I desire to say that I conceive the question of contributions to State campaigns by Mr. Sinclair would be quite irrelevant, as the chairman has suggested, to the matter under inquiry; but I merely desire to say, because the Senator has interrogated me about it, that neither Mr. Doheny nor Mr. Sinclair was in any wise concerned in the Honolulu Oil Co.

Mr. ROBINSON of Indiana. I do not question that. My point is this: The chairman of this committee, which has been making the investigation, states that, according to information in his possession, Harry Sinclair did contribute liberally—that is, the Sinclair Oil Co., presumably, and its subsidiaries—to the Democratic campaign fund in New York; that subsequent thereto the Governor of New York did appoint Sinclair to a place as a member of his administration; that he continued to hold that position during the years up until 1925, inclusive. During all this time things were going on that the committee now is investigating. Because of these facts, I submit to the Senate, and to the country, for that matter, that the Governor of New York may be able to throw considerable light on what was going on during those years, and may know more about it than others. Therefore I made that suggestion.

Mr. REED of Missouri. Mr. President—

Mr. ROBINSON of Indiana. I yield to the Senator from Missouri.

Mr. REED of Missouri. Surely the Senator does not mean to insinuate that Governor Smith turned any of the public property of the State of New York over to Mr. Sinclair, does he?

Mr. ROBINSON of Indiana. Mr. President, I do not know. That is why I think this committee ought to go into it.

Mr. REED of Missouri. A man might say that he did not know a good many things, but I submit to any Senator, and to the Senate, that when a man gets up and makes a statement that he does not know, and means by that to leave the sting of an insinuation that there is something wrong, and does that in response to a question, it is rather going beyond his right on the floor of the Senate.

I have no reason to interfere in this matter, but I thought the Senator would frankly say that he did not mean to insinuate that the Governor of New York had turned over any of the property of the people of New York to Mr. Sinclair.

Mr. ROBINSON of Indiana. Mr. President, I do mean to say this, that there is much circumstantial evidence here that would indicate that the Governor of New York ought to be called as a witness before this committee and clear up some matters in the Sinclair case.

Mr. BINGHAM. Mr. President, I understand that we are discussing the migratory bird bill. I have in my hand an editorial from the Hartford Courant that is about as appropriate to this discussion as it is to the migratory bird bill, and I ask to have the clerk at the desk read it for the benefit of the Senate.

Mr. HEFLIN. Mr. President, I do not think that there is anything wrong in discussing predatory birds for a while. [Laughter.]

The PRESIDENT pro tempore. The clerk will read.

The Chief Clerk read as follows:

[The Hartford Courant, Sunday, March 11, 1928]

WHEREIN WE LET MR. DOOLEY EXPLAIN

To the Editor of the Courant:

As a faithful reader of your paper—I even read clear through the statements of the candidates—may I be permitted to ask you a question? Why do the Republican candidates object to virtually nothing that has happened under the present régime and why do the Democratic candidates object to virtually everything? It seems to me that common sense must tell the average voter that all that is political is not perfect, nor is it all imperfect. Can you explain the reasons for this phenomenon or do they lie in the realm of metaphysics?

FAITHFUL READER.

HARTFORD, March 8, 1928.

We might explain this phenomenon after a fashion, but in all honesty we question whether we could explain it to your satisfaction, "Faithful Reader," or to our own. Certainly we could never explain it as well as it was explained this long time ago by Mr. Dooley:

"Years ago, Hinnissy, many years ago, they was a race between th' Dimmycrats an' th' Raypublicans fr to see which shud have a choice iv principles. Th' Dimmycrats lost. I dinnow why. Mebby they stopped to take a dhrink. Anyhow, they lost. Th' Raypublicans come up an' they choose th' 'we commind' principles, an' they was nawthin' left fr the Dimmycrats but th' 'we denounce an' deplores.' I dinnow how it come about, but th' Dimmycrats didn't like th' way th' thing shud, an' so they fixed it up between them that which iver won at th' lliction shud commind an' congratulate, an' thim that lost shud denounce an' deplore. An' so it's been, on'y the Dimmycrats has had so little chanct fr to do annything but denounce an' deplore that they've almost lost th' use if th' other wuruds."

There has been no change, "Faithful Reader," since wisdom dropped from the sage lips of Mr. Dooley into the porch of Mr. "Hinnissy's" listening ear. To this very day the haves and the ins invariably "commind an' congratulate"; the have-nots and the outs invariably "denounce an' deplore." It will be so, we fancy, until Gabriel toots his ultimate trumpet and this spinning world slips through the crack of doom.

Mr. STEPHENS. Mr. President, it is not my intention at this time to discuss the question of flood control or the many matters relating to it, but I desire just for a moment to get back to the proposition which was before the Senate prior to the discussion of the oil scandal and corruption in politics.

Mr. GLASS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Virginia?

Mr. STEPHENS. I yield for a question.

Mr. GLASS. I did not desire to ask the Senator a question. I merely felt obliged to make a reference to some things just said in the Senate.

Mr. STEPHENS. I am very glad to yield to the Senator if I do not lose the floor. I have just a few words to say.

Mr. GLASS. Mr. President, I rather feel that as a former associate of Franklin K. Lane in the Cabinet of President Wilson there is some obligation upon me to express, at least, my astonishment, if not my indignation, if I may do so temperately, that any Senator should in his place here and, by implication at least, asperse the character of one of the purest men who ever served his country in a public capacity by assuming to put him in the category of Sinclair and his associated criminals in this oil dénouement. As it seems to me, that was a breach of the proprieties which readily might, if not transcending parliamentary usages in this body, be characterized as something not short of dastardly.

No man ever lived who had a cleaner, purer record than Franklin K. Lane. No man ever lived until now, however widely he might differ from Mr. Lane, who ever dreamed of aspersing his honor or his sincerity in any action that he ever took, public or private. Near the end of a well-spent life, when he was about to lay down his public duties, there could be no better attestation of his probity than a remark he made directed to me as he turned and said: "I shall have to borrow from some friend money enough to pay the transportation charges of my family and myself to my home." Yet here upon the floor of the United States Senate to-day we have the intimation, the insinuation, that Franklin K. Lane was of the type of Harry Sinclair, and the aspersion comes from a Senator who himself comes from a State, one of whose governors has just returned from the penitentiary and another barely escaping the same fate by pleading the statute of limitations.

Mr. BRUCE. Mr. President, the Senator might also mention the convicted mayor of the greatest city in that State.

Mr. GLASS. I resent the imputation upon Mr. Lane.

While I am on my feet I may say further that whatever may be differences among men as to the desirability or the proprieties of campaign contributions, no man can ever say that Thomas F. Ryan ever, on any occasion, at any time, in any behalf, sought any compensation from the Government or from any source for any contribution he ever made to his party. A Democrat from the first moment he possessed the right of suffrage, he took a pride in his party, and while there were times when those who differed with him rejected his proffers of aid, there never was a time when he was not willing to give them aid because of his political conviction and not because of any return of any nature whatsoever that he could ever expect from his party.

Never a candidate for any office, totally devoid of political aspirations as far as he himself was concerned, he stood ready at all times to give liberally and cleanly to his party without any concealment whatsoever. It would have been fairer had the Senator who took care to read the Bryan resolution before the Baltimore convention also have taken care to have said to the Senate that Mr. Bryan himself withdrew that portion of the resolution which undertook to asperse Mr. Ryan.

Mr. Ryan is a native and a citizen of Virginia. I believe I have never seen him half a dozen times in all my life. Neither he nor anybody else ever contributed as much as \$1 to any campaign of mine in that State. But he is an honorable man and nobody ever successfully challenged that proposition in court or on forum or elsewhere. Any contribution that he has made or that he may make of a political nature has been and will be open and above board, subject to the investigation of any committee that may want to inquire.

This much, Mr. President, I felt obliged to say, and I apologize to my colleague for interrupting him.

Mr. BORAH. Mr. President, am I to understand that the Senator from Mississippi [Mr. STEPHENS] has the floor?

The PRESIDENT pro tempore. He has.

Mr. NYE. Mr. President, will the Senator from Mississippi yield to me?

Mr. STEPHENS. I am glad to yield to the Senator from North Dakota.

Mr. NYE. Am I to understand that the Senator from Virginia [Mr. GLASS] states that Mr. Bryan finally withdrew his resolution in 1912?

Mr. GLASS. I said that part of it which aspersed Mr. Ryan.

Mr. NYE. According to the record, the permanent chairman finally said:

The PERMANENT CHAIRMAN. The Chair is about to have the resolution, which is before the house, read. The motion is to suspend the rules and pass the resolution.

The secretary read the resolution, as follows:

"Resolved, That in the crisis in our party's career and in our country's history this convention sends greeting to the people of the United States, and assures them that the party of Jefferson and of Jackson is still the champion of popular government and equality before the law. As proof of our fidelity to the people we hereby declare ourselves opposed to the nomination of any candidate for President who is the representative of, or under any obligation to, J. Pierpont Morgan, Thomas F. Ryan, August Belmont, or any other member of the privilege-hunting and favor-seeking class."

Mr. JAMES K. VARDAMAN, of Mississippi. Mr. Chairman and gentlemen of the convention, we understand that the question before the house is not the adoption of the resolution, but that it is to suspend the rules for the introduction of the resolution.

The PERMANENT CHAIRMAN. Oh, no; the motion is to suspend the rules and adopt the resolution. On that motion the secretary will call the roll.

Mr. W. W. BRANDON, of Alabama. Mr. Chairman, a point of order.

The PERMANENT CHAIRMAN. The gentleman will state it.

Mr. BRANDON, of Alabama. Is it in order to move to suspend the rules to put the resolution upon its passage?

The PERMANENT CHAIRMAN. We are operating under the rules of the House of Representatives of the Sixty-second Congress. The motion is to suspend the rules and pass the resolution.

Mr. BRANDON, of Alabama. The motion being in that form, what vote of the convention does it take?

The PERMANENT CHAIRMAN. It takes a vote of two-thirds of the convention to agree to the motion. The secretary will call the roll.

The secretary having called the roll, the result was announced—yeas 883, nays 201½, not voting 3½, as follows.

There follows then, according to the record, the roll call by States and I note from that roll call that Mississippi voted 20 yeas yea, no nays, and none not voting. Then the record proceeds:

The PERMANENT CHAIRMAN. Upon the motion of the gentleman from Nebraska to suspend the rules and pass the resolution the yeas are 883,

the nays 201; two-thirds voting in the affirmative, the rules are suspended and the resolution agreed to.

According to that, Mr. President, the reference to Mr. Ryan was not stricken from the resolution.

Mr. GLASS. It is utterly immaterial whether Mr. Bryan offered such a resolution or did not offer such a resolution, or whether it was voted up or voted down. As a matter of fact, as the resolution passed, any man could have voted for it. Mr. Ryan voted for it himself. If the Senator will examine the roll call he will see that 23½ votes from Virginia were for the resolution.

Mr. NYE. The Senator has quoted the record correctly.

Mr. ROBINSON of Indiana and Mr. BORAH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi has the floor. Does he yield; and if so, to whom?

Mr. STEPHENS. Mr. President, while I have been very anxious to discuss the order of business in the Senate and shall do so a little later, I have no desire to contribute to the discussion with reference to the oil scandal and matters of that kind now being discussed before the Senate. Therefore I am glad to yield to the Senator from Idaho at this time.

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. BORAH. Mr. President, in discussing the oil scandal and the consequences which flowed from that transaction, I do not care to confound it with the general proposition of contributions to campaign funds. I think it stands upon an entirely different footing. Ordinarily contributions to campaign funds, however large they may be, are made for the success of the party, and, in so far as contributions are concerned, it is difficult to attribute any other purpose or motive to the contributor; but I look upon the contributions of Mr. Sinclair as involving an entirely different proposition. If I read the evidence correctly, and understand the facts correctly, those contributions had for their purpose the accomplishment of an ulterior and sinister object wholly aside from the question of party success. It was an attempt either to make easy the consummation of a transaction or to cover up a transaction which had already been concluded. I view it from that standpoint, and have done so since the evidence was disclosed.

Mr. President, as a Republican, as a Senator, and as an American, I trust, devoted to the principles of our Government, I thank the Senator from Montana [Mr. WALSH] and the Senator from Missouri [Mr. REED], and those whose work has resulted in the revelations with which the country is now familiar. I know that it is better for the Government; I know that it is better for the country; and, in my opinion, ultimately it will be better for the party of which I am a member that those revelations should be made. If that investigation shall result in an advantage to the party of which they are members, as it has resulted in credit and honor to those who have led the investigation, nevertheless I thank them; and every Republican who thinks more of his country than he does of his party will join in those thanks, because this investigation has had to do with the honesty, the decency, the integrity, and the stability of representative government.

It has been said this afternoon that this investigation and the corruption which it has disclosed has no parallel or precedent in our history. I doubt if it has any precedent anywhere; I doubt if anything of the same nature and kind has ever happened in any country. When one takes into consideration the purposes of the transaction, the attack upon the security of the Government itself, the high places in which the transaction occurred, and then the ignoble purpose for which the transaction was carried on, I do not know, Mr. President, of anything like it in the history of this country or of any other country.

I have, as no doubt we all have, looked upon that scene in Rome painted by her greatest literary genius—the scene when Verres came home from Sicily laden with the wealth of a betrayed and plundered people, threatening Senators, bribing judges, and conspiring against the very freedom of the city itself. I have read and reread, as no doubt we all have, the burning words of the most gifted tongue of the most eloquent race in history, Edmund Burke, when he raised Warren Hastings to that eminence of infamy from which he has never descended; for slimy, sordid, drab betrayal of a public trust, relieved of every element of vision or ambition, which sometimes adds fascination to crime, I know of nothing in the history of speculation to be compared in meanness of spirit and vulgarity of purpose with the group of men who met in the "little green house" in the very shadow of the Capitol in 1921 and 1922. There was the beginning of the carrying out of the deals which had been made earlier. Those men were there for the purpose of consummating a transaction which had for its purpose the acquiring of vast interests which belonged to the

people of this country and which could only be acquired in violation of every rule of decency and every principle of governmental integrity.

Mr. President, this is not merely a case in which large contributions were made, but it is an instance of a conspiracy which I believe was formed in the city of Chicago at the convention in 1920 by a few men, unbeknown to the party itself, unbeknown to the rank and file, but by men who, under cover of party protection, were consummating a crime. I repeat, the man or the men who have revealed the facts have rendered a distinct public service to the people of this country, and the Republican Party will not for a moment, either here or elsewhere, undertake to criticize those who have brought about the revelations or undertake to defend or justify any part or parcel of the transaction.

Something has been said this afternoon about the proposed restitution of this money. It is to discuss this briefly that I arose. Let me explain, Mr. President, just how I view that matter. As I said a moment ago, if this were a campaign contribution in the ordinary sense, I should not be interested in it; I should undertake to deal with it under general laws which might be enacted or under policies which hereafter might be pursued; but I consider that we are dealing with a fund which was raised for the purpose of consummating a crime and that that fund was raised under such circumstances and conditions that no one knew anything about it except perhaps a half dozen or a dozen men. To my mind there is no difference between the man who receives stolen property after he discovers it has been stolen and the individual who in the first instance stole it. If it can be shown that the Republican Party had any knowledge of or any reason to believe that this transaction was being carried on and consummated, restitution would be nonsense and a superfluous, hypocritical act upon the part of anyone undertaking it; but it has taken six years to reveal this transaction. It is now disclosed that a very few men knew of it, the voters of the party knew nothing about it and, to my way of looking at it, the Republican Party can not retain this money without approving and ratifying the transaction in its original inception. It now for the first time as a party has the facts; to fail to repudiate as a party is as a party to approve. If the Republican Party refuses to return crooked money, it then approves receiving crooked money in this the first instance.

It has been said in the press and elsewhere that the thing the Republican Party to do is to reform its processes and its methods hereafter. I do not think we would meet with any very great success in advocating a different policy in the coming campaign or hereafter if the property or the tainted money was still in our possession.

I do not know of any way by which the Republican Party as a party can be exempted from all the implications of the transaction except to repudiate it when it becomes known, and to repudiate it by the act of the party in returning the money to the source from which it came. There is no other way in which to deal with it; and I venture to say that no man on this side of the Chamber would for a moment contend that we ought to retain the money which came from Mr. Sinclair. I venture to say that no man on the other side of the Chamber would contend that the Republican Party can retain the money which came from Mr. Sinclair without becoming morally responsible for every dollar and the manner in which it was received from Mr. Sinclair. If Mr. Hays was wrong in receiving the money, if he was guilty of an immoral act in receiving the money, we as a party become guilty of the same immoral act, and the same principles control us the moment we ascertain the manner and the method in which the money was received, and fail to repudiate the transaction and return the fruits of the wrong.

Every dollar of this money went into its treasury in order to satisfy the debt of the Republican Party. If the portion of it which it is proposed to return had gone to Mr. Hays, if it had gone to other individuals, and had been received by individuals, the party, in my judgment, would not be responsible for it; but it went to the Republican Party; it went into the Republican Party treasury; it paid the Republican debt; and, if the Republican Party retains it and refuses to repudiate the transaction, it becomes morally responsible for it from the beginning to the end. There is no escape from this conclusion. We can not remain silent and remain free from guilt.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. Yes.

Mr. LA FOLLETTE. Does not the Senator from Idaho think that it might help the Republican Party in its repudiation if

some of the responsible leaders of the party would also condemn these transactions?

Mr. BORAH. Mr. President, I am not interested at this time in any particular leaders of the Republican Party. If those who were in charge of the Republican Party in 1920 and 1924 want to go before the people of this country with their lips sealed, and without any repudiation of this transaction, it might be that that is the best thing that could happen for the country.

Mr. LA FOLLETTE. I should like to call the Senator's attention to facts, which, of course, he already knows, that the Secretary of the Treasury who was tendered some of these tainted bonds and failed to volunteer that information to the investigating committee until his name was accidentally disclosed recently, has not condemned these transactions; that Mr. Hoover, who was appointed to the Cabinet at the time President Harding took office, has not repudiated these transactions or uttered a word of condemnation of them; that Mr. Charles Evans Hughes, who was also in the Cabinet when these transactions were made, has not repudiated them; that President Coolidge, who may be said to have been the chief beneficiary in that the debts were cleared of debt for his 1924 campaign, has remained absolutely silent upon these questions.

Mr. BORAH. That is quite correct. That is entirely correct. If, however, it is foolish to return this money, then it would be perfectly foolish for those men to say anything. If it is wrong to return the money, or if it is unwise to do so, or if it is foolish to do so, there is no occasion for their saying anything. If it is the right thing to do, if it is the moral thing to do—and I think it is, because I think a man who will retain crooked money is just as immoral as the man who first grabs crooked money—then their future is to be taken care of by the people of this country who believe in decent government.

Mr. BRUCE and Mr. LA FOLLETTE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. Just a moment.

Let me say, Mr. President, that I am interested in what I conceive to be the thousands and millions of men and women who make up the intelligence and the moral force of the Republican Party who knew nothing about this transaction and who do not propose to be tainted by it. I am not here defending or at this time condemning individuals. I speak for the party, so far as I am concerned, as a party. The Republican Party is made up, it is true, of a few individuals called for a time leaders, but it is made up in its great strength and moral power of the countless thousands who do its voting, who do its fighting, and who win its victories; and what I want to know is whether or not those people are going to repudiate this deal or whether they are giving, by keeping the money, approval.

If the Republican Party goes to Kansas City and nominates a man whose clothes smell of smut, it will face defeat. If the Republican Party, after the Kansas City convention, returns again in the future, as it has in the past, to the great contributors who have paved their way to favor by contributions, it will face defeat. The people of this country do not believe in corruption—neither the Democratic rank and file nor the Republican rank and file; and this matter having come to the knowledge of those who really constitute the party and its strength, it seems to me that it is nothing less than decency for somebody to give them an opportunity to get rid of it. They want a clean party, and given an opportunity they will make it a clean party.

Mr. BRUCE and Mr. BLAINE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. The Senator from Maryland rose first. I yield first to him.

Mr. BRUCE. Mr. President, to whom does the Senator from Idaho think the money should be returned?

Mr. BORAH. It should be returned to Harry F. Sinclair.

Mr. BRUCE. That is to say, the loot should be returned to the thief?

Mr. BORAH. Mr. President, the Republican party has nothing to do with the distribution of this fund beyond returning it to the source from which it came. If the Republican Party should take this money, as has been suggested, and give it to the Red Cross, or give it to the miners in Pennsylvania, or donate it to this or that cause, the cry would go up, and justly go up, that the Republican Party first sought to utilize it for the purpose of victory in the last campaign, and now it is trying to build up moral prestige and favor with the voters in the next campaign. I believe in returning it to the man from whom it came. I am not thinking to whom it is going but from whom it is going.

Mr. BRUCE. I was going to suggest that of course there are a great many homes for incorrigibles and a great many Magdalen asylums in this country. It seems to me this money might be turned over more advantageously to some institution of that kind than to Sinclair.

Mr. BORAH. I do not regard the Republican Party as the distributor of money which belongs to Sinclair.

Mr. BRUCE. I will ask the Senator just another question: Has he any real hope that this money is going to be raised and returned? It seems to me, to use a skeptical expression very often employed, that this proposition to return the Sinclair contribution to him "is magnificent, but not war."

Mr. BORAH. If the money is not raised and is not returned, I can imagine the kind of speech that the able Senator from Maryland will be making against the Republican Party about the middle of next October—not against some individuals but against the party.

Mr. BRUCE. I was just thinking of a little story bearing upon human reluctance about returning money which was told me some years ago by a very distinguished lawyer in Maryland, the late Severn Teakle Wallis. He said that he contracted to attend to a professional matter for some clients, and his clients paid him his fee; but that after the matter had been attended to they thought that it had not taken a sufficient amount of time to justify such a fee, so they very delicately suggested to him that he might refund a part of it. I recall very distinctly his saying to me after recalling these facts, "You know, BRUCE, the process of regurgitation is never very agreeable, but I refunded a part of it."

Mr. BORAH. As the process of regurgitation has to go on the part of the Republican Party and not the Democratic Party, I am sure the Senator will not shed any tears.

I believe the Senator from Wisconsin [Mr. BLAINE] desired to ask me a question.

Mr. BLAINE. The Senator from Idaho having declined to yield to me, I took my seat; but if he will yield for a brief statement and then for a question, I will be very happy to ask it.

Mr. BORAH. I did not yield because I was addressed from the other side of the Chamber first. I yield now.

Mr. BLAINE. I know the Senator from Idaho has a sincere purpose in asking for the return of this money to Mr. Sinclair, but I think he has conceived a situation to be which does not exist.

It may be all right to pass the hat around and collect the pennies and the nickels and the dimes from innocent parties and pay back money to this gentleman who made a contribution for one single purpose, and that was to corrupt the offices and officers of the United States. I do not believe it was the purpose of the Senator from Idaho that these men and women who contribute their mite should enter into any arrangement to compromise and compound the offense of Mr. Sinclair. Getting to the gist of this thing and the very foundation of all this, it is not so much that individuals are to blame as it is that a system is to blame; and the beneficiaries of that system are the ones to be dealt with in this discussion. As a result of the contributions, as a result of the motives of Mr. Sinclair in making this contribution, and the contributions of others who were seeking favors from the Government, there were certain beneficiaries.

In view of the fact that there were certain men in the Republican Party who became beneficiaries of those criminal acts—for they are nothing short of criminal—we have in the office of President of the United States to-day a President who came to that office by way of Sinclair's contributions. He came to the Presidency of this country on the death of Mr. Harding, he having been elected as Vice President in 1920.

He is a beneficiary of this system; and notwithstanding the fact that he sat in the Cabinet, as was then the practice, with Mr. Daugherty as Attorney General, Mr. Fall as Secretary of the Interior, and Mr. Mellon as Secretary of the Treasury all those years, and then upon his election to the Presidency of the United States he appointed some of these men to be Cabinet officers and sat in consultation with them politically, socially, and officially, up to this moment he has remained silent with respect to this very thing that threatens to undermine this democracy. Other nations, strong as they have been, fell when the slimy serpent of corruption stuck its poisonous fangs into the body politic. He ought to know, though strong and pure at heart as are the American people, if that sort of thing—bribery, corruption, and debauchery—is to sit in high places and control the destiny of America, even this Republic can not long continue.

If we are to purge the Republican Party of this sort of thing, there is just one way to purge that party. That is to drive out of public life, drive out of public office, every bribe taker, every bribe giver, every man in responsibility who has

been silent during all these years. Therefore I want to ask the Senator from Idaho if he will join some of us in a contest whereby there may be an opportunity to control the Republican National Convention at Kansas City and make secure this Government by driving those men and that system out of the control of the Republican Party?

Mr. BORAH. Yes, Mr. President; I will join the Senator, but before I start purging I want my party to return this tainted money. Before I start any reform within the party, before I start purging the party, I want to get rid of corrupt funds. We can not keep unclean money and at the same time talk about a clean party.

Mr. BLAINE. I think, Mr. President, if the Senator will yield, that the way to attack this system is to attack those who are the beneficiaries of this bribe taking and bribe giving. I see no other way by which it can be done. You may pay back to Harry Sinclair all the money that he contributed; you may pay back their contributions to those who contributed to the Democratic Party, to all those who wanted to get their grip on the offices of the Government, and you have not changed the system. You have simply compounded unrighteous acts and compromised with evil.

Mr. BORAH. Mr. President, at the close of the campaign the Republican Party, as a party, owed a debt. That debt was owed by the party. Every member of the party in a sense was interested in or responsible for that debt. Some collections had to be taken somewhere to pay this debt. This \$160,000 which I propose to return was collected from Harry Sinclair, and went into the coffers of the party, and paid the debt which the members of the Republican Party otherwise would have had to pay in some other way.

If we had taken up a collection, we perhaps would have gone to the man with his dollar, or his five dollars, or his ten dollars, or his hundred dollars, and raised the money to pay off the \$160,000, and the other amount, though the \$160,000 is the amount involved now. As it was, Mr. Hays went to Mr. Sinclair and got the money and paid off the debt.

That relieved the members of the party from paying the debt. I say that this \$160,000 went to the benefit of the members of the Republican Party. Whatever benefit there was from the lease, the courts are dealing with that, but this particular fund went into the Republican treasury, and was for the benefit of the Republican Party as a whole, and that is the portion which I am going to ask the Republicans of this country to return, and I venture the opinion that it will be returned. That is the first step in purgation, that is the beginning of a clean and trustworthy party.

Mr. REED of Missouri. Mr. President, I want to congratulate the Republican Party and the country for having one great Senator who faces facts as they are, who does not try to drag a red herring across the trail of villainy by bringing in outside and extraneous issues, or by impugning the integrity of the dead, whose voiceless lips can not speak in defense of an honorable reputation.

Whatever differences of opinion I have ever had with the Senator from Idaho [Mr. BORAH], I have never ceased to respect his sterling honesty, his great intellect, and his superb courage, and that admiration has been increased to-day. I can, since hearing him, catch his viewpoint when he proposes a return of this money. Loathing, as he does, every contact with corruption, his mind naturally seeks for every avenue leading toward a purging of the ugly situation.

The difficulty is that the remedy the Senator proposes in my judgment does not avoid the evil in any way. The money employed was one of the vehicles which carried certain men into office. The repudiation of the acceptance of that money, however strong it may be, does not put the country in the position in which it might possibly have been had the money not been obtained and used in the election. There is no way to do that. Giving back to Mr. Sinclair this money is a good deal like paying an assassin for the knife that he drove into the back of the man he murdered and left sticking there. It enriches the culprit by that amount. Its effect on Mr. Sinclair is that, having lost his oil reserves through the decisions of the courts, he now gets back the money he expended in carrying out an agreement about which the Senator from Idaho agrees with me, an agreement made in advance that he was to get the oil lands.

That money is to be paid back to him, and he thereby becomes \$160,000 the richer, and has lost nothing by his venture. In my judgment, it would be more in the nature of poetic justice if he lost both the oil lands and the money he had expended in order to corrupt men to turn the lands over to him in the first instance. That is the phase of it that I do not like.

The question then arises again, if the national committee received money, which the Senator describes as the same thing as receiving stolen goods, in this instance received it to pay a

debt for which the members of the committee were personally responsible, and nobody else, and that committee were to say, "We have now learned of the corrupt source from which this money came; we propose to return it and we propose then to make up this deficit ourselves," it would be a case of those who received what the Senator described as stolen goods returning the stolen goods. But in this instance it is proposed to take up a general collection and pay that money.

Mr. BORAH. No; not general; among Republicans.

Mr. REED of Missouri. A general collection among Republicans who were perfectly innocent; I mean the rank and file were perfectly innocent. The perfectly innocent rank and file, who did not incur the debts of the committee, who had nothing whatever to do with any corrupt dealings with Mr. Sinclair—I gladly state that—are the ones to contribute now to a fund to put back into the hands of Sinclair money he paid for a corrupt purpose.

We can not restore the status quo. We can not take back these offices which were thus in part obtained by the use of this money, and it seems to me more in the nature of poetic justice to let Mr. Sinclair stew in his own juice and pay for the juice. However, that is not a matter about which I have any right to complain, and if it is in accordance with the judgment of the Senator from Idaho to raise the money that way and return it, I have no complaint to make about it. I do say this—and this is the real purpose for which I rose—I agree with the Senator from Idaho that the rank and file of the Republican Party are not to be charged with this wrong until and unless they ratify that wrong in some way by their own act.

Every fair man concedes that the great body of the American people are honest and that they are patriotic. Honesty and patriotism are not the heritage of the members of either political party as distinguished from the other political party. Republicans and Democrats alike serve on the field of battle, they serve in civic affairs of the Nation, are good neighbors, and good friends. I hope they are beginning to feel the same burning indignation that flames in the breast of the Senator from Idaho. I am wondering whether their conscience can be so sharpened that it will result in any change in their votes.

This is the first spectacle the country has ever had presented of this gravity, but it is not the first spectacle of the sale of political favors in advance. Who does not remember that Matt Quay boldly said that he proposed to fry the fat out of the protected industries? That is, to take some part of the money the protected industries had made by and through the operation of a law indorsed by the Republican Party and put upon the books by it compel them to yield a part of their profits and put it into a campaign fund in order to perpetuate in power the party that continued to perpetuate the legalized plundering of the people by virtue of that law and the combinations made back of it.

Which one of us has forgotten that Mr. Dudley, the secretary of the Republican National Committee, sent into the State of Indiana letters saying to vote the floaters in blocks of five and to be sure that they voted right before the money was paid?

Which of us has forgotten that these same protected industries were levied upon by Mr. Mark Hanna and that a fund was raised so large that they could not expend it? Vast sums were sent into various parts of the country that were actually returned, the money having fallen into the hands of honest men who did not put it in their pockets.

Who is there to deny that part of it was used to buy certain colored delegates from the South in order to have their votes to write a platform satisfactory to the bosses of the party?

Where was the moral uprising when the committee entered upon a scheme eight years ago to raise some \$13,000,000 to \$17,000,000 for a campaign fund—a scheme that was largely broken up by the investigation of the Kenyon committee?

Where is the moral uprising that has occurred up to this date, when the Secretary of the Treasury has declared, and was quoted in the papers, and I have never heard it denied, that money raised in Pennsylvania was as honestly raised and as fairly expended as money raised for a church?

Where is the moral uprising in the Cabinet and in the White House against the action of the Secretary of the Treasury, who, while in the Cabinet, went to Pennsylvania and actively organized and brought together the crowd that raised the \$2,000,000, he and his brother and his nephew contributing \$75,000 to the fund and supervising and managing the crowd that gathered the \$2,000,000 and more to renominate a candidate for the United States Senate? One blushing and winking gazes at the spectacle of men and women standing in line for seven long days, from 35,000 to 50,000 of them in one city, to receive the \$10 per head that they got for their work upon election day.

What voice of protest has come from the President who keeps this man still in his Cabinet? What voice of protest have we heard from the managers of the party?

We have heard from the so-called insurgent Republicans many a protest. I have heard the eloquent voices of the Senator from Idaho [Mr. BORAH], the Senator from California [Mr. JOHNSON], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Nebraska [Mr. NORRIS], and others—I shall not undertake to name them all—denouncing such activities, and I have heard their votes cast in this Chamber, always in protest.

But, Mr. President, other scenes rise before my eyes and other voices speak to my ears. I recall when the investigations were first proposed that there was active opposition among the so-called stand-pat Senators, and how, when we passed a resolution asking for the removal of Mr. Dougherty and Mr. Denby, the vote was recorded from the stand-pat element against those resolutions. I recall with humiliation the fact that although the resolutions had been passed, and although they were passed because of the sworn testimony which had been adduced before a committee of the Senate, which abundantly justified the resolution, although that evidence was there, and although the resolution was there, the President of the United States refused to act and treated the resolution and the facts in evidence with contumely and scorn.

I recall, sir, that President Harding officially—I am going back now a little in the chronology—justified the transfer of the oil lands. But to return to the present administration, I recall that when, for an inconsequential reason, the President finally removed Daugherty, removing him only after the flame of public indignation had rolled in from the West and from the East, reaching Washington in the form almost of a conflagration, the President removed Daugherty and gave him a certificate of good character.

I recall when we undertook to investigate the situation in the State of Pennsylvania, while the resolution went through under circumstances where opposition would have been useless, when the entire investigation had been completed and the mass of corruption unfolded and the investigation in Illinois had been made and the iniquity there exposed, again the votes of the stand-pat element on the other side of the Chamber were nearly all in favor of the seating of VARE and of SMITH.

I recall a filibuster upon the floor of the Senate in the closing days of the last session which was conducted for no other purpose on earth than to abort that investigation and render it ineffective. I recall also the fact that it was boasted then that the committee was dead and the investigation dead with it, and that in order to accomplish that object distinguished men on the other side of the Chamber were willing to hold up a great appropriation bill and other necessary legislation. I have listened for a voice of condemnation from the other side of the aisle and I have heard such voices coming from the lips of the insurgent Republicans, and I think I ought to make one or two exceptions of what are called the standpatters. But the inner circle have stood there always in opposition when there was any chance for opposition, always in defense when there was any chance for defense, and when there was none they have had the appearance of the relatives of the accused at the bar, sitting there giving aid and comfort by their sympathetic presence.

But through this all there are two great facts that stand out. One is that the Teapot Dome would have been transferred, the California oil lands would have been transferred and the transfers would have stood, Doheny would have been holding the oil lands of California and Sinclair would have been holding the oil lands known as the Teapot Dome. Fall would still have been in the Cabinet, Denby would still have been at his post, the stocks of those companies which were organized to cover the profits and the corruption would have been mounting higher and great fortunes would have been made, the conduct of the national committee would have stood unchallenged—all of this would have been if it had not happened that the so-called insurgent Republicans joining with the Democrats exposed and laid bare this frightful and intolerable condition.

The other fact is that through it all no voice of protest has been raised by any member of the Cabinet, no word of encouragement has been spoken, no indignant demand has been made for justice; and the President has been as silent, as complacent, and apparently as satisfied as though nothing was wrong. The one solitary thing he did was to suggest the appointment of two civil attorneys to recover the oil lands. That suggestion he concurred in, although I am not sure he made it.

Mr. LA FOLLETTE. Mr. President, that was done by a resolution adopted by the Senate.

Mr. REED of Missouri. Very well; however, he did make the appointments. He went that far. I thank the Senator from Wisconsin.

Mr. LA FOLLETTE. The President complied with the resolution after it was adopted.

Mr. REED of Missouri. Mr. President, there was an ugly scandal in the Grant administration—the whisky ring. It involved the then Vice President of the United States; it also involved the Secretary to the President. When those facts were exposed that old soldier said, "Let no guilty man escape." But what do we hear from the President? He has been known as the silent man, but the record will show that he has talked more than almost any President who has ever held the office, sometimes speaking in his own name and sometimes speaking through the White House "Spokesman," who has been all the time himself; but not once during all these years of time have we heard any clarion call from him for justice, any demand that iniquity shall cease, any protest. And there sits in his Cabinet Mr. Mellon, who went to Pennsylvania and certified that he spoke in the name of the President and then helped gather the election fund and helped to expend it.

Mr. SHIPSTEAD. Mr. President, will the Senator from Missouri yield for a question?

Mr. REED of Missouri. Yes.

Mr. SHIPSTEAD. Does the Senator think that those in Pennsylvania who got \$10 apiece ought also to return the money?

Mr. REED of Missouri. That is a little aside from what I am discussing, but the answer is obvious.

It appears, more than that, the Secretary of the Treasury received \$50,000 of bonds, and that he knew they came from Harry Sinclair. They were sent to him to cover up the transaction. At the time he received them he was in full possession of all the facts that the country was in possession of. He knew that it was not safe for him to hold them. By returning them he certified to the fact that he knew they were corrupt. He knew a committee of the Senate was seeking to get every ray of light possible with reference to the transaction, and he concealed what he knew. He failed to speak when he should have spoken. So when we talk about putting things back, the only way to put things back is to put these people out; and the only way I know that that can be accomplished is to have a housecleaning, and I suppose we shall not have it until after next November.

Mr. BRUCE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. REED of Missouri. I do.

Mr. BRUCE. May I ask the Senator from Missouri a question?

Mr. REED of Missouri. Certainly.

Mr. BRUCE. If this Sinclair fund shall be returned, ought it not to be returned with interest? That reminds me, if the Senator from Missouri will excuse me a moment, of an incident which happened in the course of my professional experience. Two of the most conspicuous merchants of Baltimore had a settlement. After the settlement one of them claimed that he had overpaid the other by mistake. Litigation followed, and the court held that the mistake had not been mutual, and so the plaintiff, of course, lost his case. The case went up to the court of appeals in Maryland, where the action of the court below was affirmed, but, extraordinary as it may seem, subsequently the merchant who won the litigation paid the amount to the merchant who had lost. A good many years afterwards the merchant who lost, having in the meantime become a valued client of mine, was asked by me one day whether it was true that the amount had been refunded. With a very sour face he said, most ungratefully, of course, "Yes; his conscience pricked him enough to pay back the principal, but not enough to pay the interest." So it seems to me that if restitution of the Sinclair money is to be made, and due credit is to be given to the Republican Party for it, interest ought to be paid as well as the principal.

If the Senator from Missouri will pardon me for just one moment more, let me say that, while I am treating this matter jocularly, I wish it to be understood that no Member of this body is more sensible than I am to the noble impulse which has led the Senator from Idaho [Mr. BORAH] to make the suggestion of restitution that he has made. Of course, that suggestion is in accord with the generous, magnanimous character with which we are all so familiar. If all the members of both parties were like the Senator from Idaho there would be no political scandal, there would be no official corruption, there would be no tainted funds to restore.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED of Missouri. I yield.

Mr. BORAH. I should like to ask the Senator from Maryland a question. Does he believe that we ought to keep this money?

Mr. BRUCE. No; I have already made a suggestion that it should be given to some reformatory institution, where it could do some real good and not where it could be used again by Sinclair for purposes of bribery and corruption perhaps.

Mr. BORAH. The only difference between the Senator and myself, therefore, is as to whether it should go back to Sinclair or go to some eleemosynary institution.

Mr. BRUCE. As I said, I think it is a fine suggestion that this money should be repaid.

Mr. BORAH. But I want to ask the Senator does he believe that the Republican Party ought to keep this money?

Mr. BRUCE. Indeed I do not; I must say that I am in accord with the Senator from Idaho as to that.

Mr. BORAH. That is what I thought.

Mr. BRUCE. And if the money had passed into the till of the Democratic Party I would feel about it exactly as he feels about it in the case of the Republican Party.

Mr. REED of Missouri. Mr. President, what I have said this afternoon has not been said in any spirit of elation. It is a matter of profound sorrow to me that these conditions existed and, therefore, had to be disclosed. There is nothing so destructive of morals as the spectacle of men in high places betraying their trust. Nearly all the good there is in this world springs from a sense of honor, mingled with pride, and the desire always to live up to certain standards. When those standards are lowered, when they are debased by those who have been charged with a public duty, the effect upon the immature minds of the country is terrific; and the only way we can in any manner hope to restore the proper moral tone is not by speaking in defense, not by making excuses, not by trying to avoid disclosures, but by making an example of those who have done wrong.

Yet here we stand, with no voice from the White House, with no protest from the Cabinet, with no word of encouragement from the administration. So we have stood and so we have fought along different lines for about four years now. The Senator from Montana [Mr. WALSH] and his committee have been like hunters in the wilderness, with no one to beat the bushes for them; they have had no aid from the White House, no aid from the secret service, no aid from grand juries, save as they forced the impaneling of grand juries in specific cases. The great Department of Justice has never moved, except when this committee has drawn out facts and brought them in such shape before grand juries as to force action.

What does the boy think who witnesses this spectacle? When we try to teach the youth of the land the way of rectitude and honor, among other things we point to illustrious example of our great men, to Washington and Lincoln and Jefferson and other men who blazed the way along the path of honor; and we have said to the children of our land, "There is your example."

The thing that sustains our courts and that has kept them pure has been the idea constantly taught that the judge must be just and that the court must be upright and beyond reproach. By maintaining that ideal our courts have for the most part, aye, almost invariably, been the real refuge places for justice. We drag down that ideal; we destroy it by examples such as we have had. So, Mr. President, I gain no satisfaction from these disclosures, and, while I would not like to see this money returned to Sinclair, I should be glad if every child in the land would contribute its penny in some way to manifest its disgust with, and repudiation of, this horrible thing that has happened in our land.

THE CALENDAR

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-day it adjourn to meet at 12 o'clock to-morrow, and that at the conclusion of the routine morning business the Senate shall proceed to the consideration of unobjected bills on the calendar under Rule VIII, beginning with No. 355, where we left off on the former day when the calendar was considered, and continue such consideration until 2 o'clock.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PROPOSED PAN AMERICAN HIGHWAY

Mr. SMITH. Mr. President, I ask unanimous consent to have printed in the RECORD a letter on the proposed Pan American highway.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter referred to is here printed, as follows:

Hon. E. D. SMITH,
Senate, Washington, D. C.

DEAR SIR: In reference to the proposed Pan American highway project now up in the House, by Mr. McLEOD, I beg to be allowed to take this opportunity to present my views on the subject.

The route through Mexico and Central America is an engineer's problem solely, but after South America is entered the route should be deeply studied. I would suggest that it proceed from the Panama frontier to San Pablo in Venezuela, thence straight to Trinidad; thence on a southerly course through Colombia, Peru, and Brazil to Trinidad, in Argentina; thence to San Francisco and on to Asuncion. From thence, following the contour of the Plate River, standing well out from it, to Buenos Aires, and that is quite far enough down for the present.

From Asuncion to Rio de Janeiro, 900 miles, the local people would no doubt soon bestir themselves and build a connecting link.

This course down from Panama would cover approximately 4,000 miles, divided as follows: Colombia, 800; Venezuela, 300; Peru, 400; Brazil, 450; Bolivia, 900; and Argentina, 1,200.

This route would cross the headwaters of all of those terrible South American rivers, which are so harmless during the dry season but are raging seas during the rainy season, rising 50 feet and covering vast regions of forest.

This route would also escape the west coast mountains, thus making the road more suitable to be traveled by Americans who are unfamiliar with mountain roads. This route would be located in the highlands of the Andes Mountains, where the course is level and the climate is salubrious, never rising above 70°.

The traveler along this proposed route would escape the dust and hot, dry winds of the rainless west coast regions, also the swampy and sickly section of Brazil and its myriad river system, which will ever be impossible for road and bridge building.

So it will never be desirable to foster side roads from the main highway toward the east coast, as the rainy season prevails from March to September, and for the sake of health none should ever mix in with this ferocious phenomena.

If the mountains could be negotiated, roads might eventually be built across to the west coast, as the main highway's course is parallel with the west coast as low down as Santiago, Chile, and at an average distance of no more than 500 miles, but such side roads would cost out of all proportion to their importance.

The distance from Panama's border to Buenos Aires along this route would be around 4,000 miles and would follow the sun more nearly than any other land route on earth.

The most heavenly weather prevails continuously from September to March of each year along the whole route from Panama to Argentina. Of course, it is universally known that down in Argentina they use our wintertime to have their summer, during which the inhabitants entertain themselves by growing crops and grass. This route will go through the interior and is much more preferable, I think, than a west coast route.

If the building of roads is for encouragement and benefit, by all means establish them where they are most needed, and that is in the interior, for the west coast is now handsomely and adequately served by their fine and capable shipping.

W. A. JAMES, *Bishopville, S. C.*

CONFIRMATION OF JUDGE BASCOM S. DEEVER

Mr. STEPHENS. Mr. President, as in open executive session I ask leave to report from the Committee on the Judiciary, favorably, the nomination of Bascom S. Deever to be district judge for the middle district of Georgia.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the report will be received and placed on the Executive Calendar.

Mr. GEORGE. Mr. President, as in open executive session I move the confirmation of the nominee and notification of the President.

The motion was agreed to.

The PRESIDENT pro tempore. The President will be notified.

PRESIDENTIAL MESSAGES

Mr. CURTIS. As in open executive session, I move that the messages of the President received to-day be referred to the appropriate committees.

The motion was agreed to.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 20, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 19, 1928

PUBLIC HEALTH SERVICE

Dr. Ralph Gregg to be assistant surgeon in the Public Health Service, to take effect from date of oath.

Doctor Gregg has passed the examination required by law and the regulations of the service.

APPOINTMENTS IN THE REGULAR ARMY

CHAPLAINS

To be chaplain with the rank of first lieutenant

First Lieut. Joseph Richard Koch, Chaplains' Reserve, of Colorado, with rank from March 10, 1928.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

First Lieut. Mark Histan Doty, Infantry, with rank from July 1, 1920.

INFANTRY

Lieut. Col. Edward Himmelwright Tarbuton, Quartermaster Corps, with rank from September 14, 1927.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Edwin Simpson Hartshorn, Infantry, from March 10, 1928.

To be lieutenant colonels

Maj. William Bryden, Field Artillery, from March 10, 1928.

Maj. Donald Cowan McDonald, Field Artillery, from March 11, 1928.

To be majors

Capt. Walter Eyster Buchly, Cavalry, from March 10, 1928.

Capt. Harold Chittenden Mandell, Cavalry, from March 11, 1928.

To be captains

First Lieut. Robb Steere MacKie, Infantry, from March 9, 1928.

First Lieut. Boniface Campbell, Field Artillery, from March 10, 1928.

First Lieut. Lloyd Marlowe Hanna, Field Artillery, from March 11, 1928.

First Lieut. James Willard Walters, Ordnance Department, from March 14, 1928.

To be first lieutenants

Second Lieut. Eugene Ware Ridings, Infantry, from March 9, 1928.

Second Lieut. Charles Woodford Cowles, Field Artillery, from March 10, 1928.

Second Lieut. Kenneth Eugene Webber, Coast Artillery Corps, from March 11, 1928.

Second Lieut. Alexander Davidson Reid, Infantry, from March 14, 1928.

PROMOTIONS IN THE NAVY

MARINE CORPS

Lieut. Col. Robert Y. Rhea to be a colonel in the Marine Corps from the 12th day of March, 1928.

Maj. Joseph A. Rossell to be a lieutenant colonel in the Marine Corps from the 12th day of March, 1928.

Capt. Alphonse DeCarre to be a major in the Marine Corps from the 12th day of March, 1928.

First Lieut. John C. Wemple to be a captain in the Marine Corps from the 2d day of March, 1928.

First Lieut. Curtis W. LeGette to be a captain in the Marine Corps from the 9th day of March, 1928.

First Lieut. Joseph H. Fellows to be a captain in the Marine Corps from the 12th day of March, 1928.

Second Lieut. James G. Hopper to be a first lieutenant in the Marine Corps from the 5th day of July, 1926.

Second Lieut. William R. Hughes to be a first lieutenant in the Marine Corps from the 2d day of February, 1928.

Second Lieut. Lawrence R. Kline to be a first lieutenant in the Marine Corps from the 8th day of February, 1928.

Second Lieut. John G. Walraven to be a first lieutenant in the Marine Corps from the 2d day of March, 1928.

Second Lieut. William W. Paca to be a first lieutenant in the Marine Corps from the 9th day of March, 1928.

Marine Gunner Frank O. Lundt to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 16th day of May, 1927.

Marine Gunner Henry Boschen to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 2d day of October, 1927.

Marine Gunner Robert C. Allen to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 1st day of December, 1927.

POSTMASTERS

ALABAMA

John M. Stallworth to be postmaster at Beatrice, Ala., in place of J. M. Stallworth. Incumbent's commission expires March 21, 1928.

George F. Schad to be postmaster at Brewton, Ala., in place of G. F. Schad. Incumbent's commission expires March 21, 1928.

John T. Mizell to be postmaster at Clio, Ala., in place of J. T. Mizell. Incumbent's commission expires March 21, 1928.

James F. Baker to be postmaster at Columbiana, Ala., in place of J. F. Baker. Incumbent's commission expires March 21, 1928.

Annie K. Fazenzaker to be postmaster at Fulton, Ala., in place of A. K. Fazenzaker. Incumbent's commission expires March 21, 1928.

Blevens S. Perdue to be postmaster at Greenville, Ala., in place of B. S. Perdue. Incumbent's commission expires March 21, 1928.

Robert O. Atkins to be postmaster at Heflin, Ala., in place of R. O. Atkins. Incumbent's commission expires March 21, 1928.

Grover C. Warrick to be postmaster at Millry, Ala., in place of G. C. Warrick. Incumbent's commission expires March 21, 1928.

Samuel B. Winger to be postmaster at Pishah, Ala., in place of S. B. Winger. Incumbent's commission expires March 21, 1928.

Albert H. Quinn to be postmaster at Quinton, Ala., in place of A. H. Quinn. Incumbent's commission expires March 21, 1928.

William A. Armistead to be postmaster at Searles, Ala., in place of W. A. Armistead. Incumbent's commission expires March 21, 1928.

Clyde Oldshue to be postmaster at Sulligent, Ala., in place of Clyde Oldshue. Incumbent's commission expires March 21, 1928.

Lucious E. Osborn to be postmaster at Vina, Ala., in place of L. E. Osborn. Incumbent's commission expires March 21, 1928.

ARKANSAS

Mary E. Catts to be postmaster at Washington, Ark., in place of Rosa Wallace. Incumbent's commission expired December 19, 1927.

CALIFORNIA

Frances L. Musgrove to be postmaster at Arbuckle, Calif., in place of F. L. Musgrove. Incumbent's commission expired June 5, 1926.

Wilford J. Scilacci to be postmaster at Point Reyes Station, Calif., in place of W. J. Scilacci. Incumbent's commission expired January 9, 1928.

COLORADO

Edwin J. Feistel to be postmaster at Fort Lyon, Colo., in place of W. O. Reynolds. Incumbent's commission expired March 3, 1927.

CONNECTICUT

Clarence B. Emery to be postmaster at Terryville, Conn., in place of C. B. Emery. Incumbent's commission expires March 21, 1928.

DELAWARE

William R. Risler to be postmaster at Lincoln, Del., in place of W. R. Risler. Incumbent's commission expires March 22, 1928.

ILLINOIS

John W. Nelson to be postmaster at Donovan, Ill., in place of J. W. Nelson. Incumbent's commission expires March 19, 1928.

Thomas J. Perks to be postmaster at Mound City, Ill., in place of T. J. Perks. Incumbent's commission expires March 19, 1928.

Fred A. Meskimen to be postmaster at Robinson, Ill., in place of F. A. Meskimen. Incumbent's commission expired February 19, 1928.

Joseph R. Atkinson to be postmaster at Sidell, Ill., in place of J. R. Atkinson. Incumbent's commission expired January 7, 1928.

Vern L. Shinneman to be postmaster at Weldon, Ill., in place of C. M. Smith, removed.

INDIANA

Frank R. McCullough to be postmaster at Westport, Ind., in place of F. R. McCullough. Incumbent's commission expired January 3, 1928.

James J. Patchell to be postmaster at Union City, Ind., in place of E. E. Harding, deceased.

IOWA

Charles O. McLean to be postmaster at Ankeny, Iowa, in place of C. O. McLean. Incumbent's commission expires March 22, 1928.

Grace F. Newton to be postmaster at Dickens, Iowa, in place of G. F. Newton. Incumbent's commission expires March 22, 1928.

Edward A. Hansen to be postmaster at Holstein, Iowa, in place of E. A. Hansen. Incumbent's commission expires March 22, 1928.

Marinus Jansma to be postmaster at Hospers, Iowa, in place of Marinus Jansma. Incumbent's commission expires March 22, 1928.

Fred R. Foster to be postmaster at Humeston, Iowa, in place of F. R. Foster. Incumbent's commission expires March 22, 1928.

Ray C. Edmonds to be postmaster at Le Mars, Iowa, in place of R. C. Edmonds. Incumbent's commission expires March 22, 1928.

John E. Klutts to be postmaster at Mondamin, Iowa, in place of J. E. Klutts. Incumbent's commission expires March 22, 1928.

Leon R. Valentine to be postmaster at Murray, Iowa, in place of L. R. Valentine. Incumbent's position expires March 22, 1928.

Perry B. Wilson to be postmaster at Shannon City, Iowa, in place of P. B. Wilson. Incumbent's commission expires March 22, 1928.

Wayne C. Solleder to be postmaster at Thurman, Iowa, in place of W. C. Solleder. Incumbent's commission expires March 22, 1928.

Ora L. Garton to be postmaster at Weldon, Iowa, in place of O. L. Garton. Incumbent's commission expires March 22, 1928.

KANSAS

Ethel White to be postmaster at Merriam, Kans., in place of Ethel White. Incumbent's commission expired March 13, 1928.

James M. Lear to be postmaster at Mound Valley, Kans., in place of J. M. Lear. Incumbent's commission expires March 22, 1928.

MAINE

Bernard V. Thompson to be postmaster at Easton, Me., in place of B. V. Thompson. Incumbent's commission expires March 21, 1928.

Harold C. Gates to be postmaster at Millinocket, Me., in place of H. C. Gates. Incumbent's commission expires March 21, 1928.

MICHIGAN

William E. Smith to be postmaster at Mohawk, Mich., in place of H. G. Smith, resigned.

Christina B. Grozinger to be postmaster at Woodland, Mich., in place of C. F. Grozinger, deceased.

MINNESOTA

Lucien M. Helm to be postmaster at Tower, Minn., in place of L. M. Helm. Incumbent's commission expires March 21, 1928.

MISSISSIPPI

Susan R. T. Perry to be postmaster at Tchula, Miss., in place of S. R. T. Perry. Incumbent's commission expires March 22, 1928.

MISSOURI

John A. Varney to be postmaster at Paris, Mo., in place of B. G. Flanders. Incumbent's commission expired January 14, 1928.

MONTANA

George I. Watters to be postmaster at Victor, Mont., in place of G. I. Watters. Incumbent's commission expires March 21, 1928.

NEBRASKA

Myron A. Gordon to be postmaster at Stratton, Nebr., in place of M. A. Gordon. Incumbent's commission expires March 21, 1928.

NEW JERSEY

Fred F. Dennis to be postmaster at Fair Haven, N. J., in place of F. F. Dennis. Incumbent's commission expires March 22, 1928.

Jacob D. Roe to be postmaster at Newton, N. J., in place of J. D. Roe. Incumbent's commission expired February 19, 1928.

Mabel E. Tomlin to be postmaster at Sewell, N. J., in place of M. E. Tomlin. Incumbent's commission expires March 22, 1928.

James H. Masker to be postmaster at Somerville, N. J., in place of A. A. Reger, deceased.

NEW MEXICO

Anrelia M. Gutierrez to be postmaster at Old Albuquerque, N. Mex., in place of M. L. Albers. Incumbent's commission expired December 21, 1925.

Helen B. Hickman to be postmaster at Hurley, N. Mex., in place of W. W. Dedman, deceased.

NEW YORK

Will J. Davy to be postmaster at Bergen, N. Y., in place of W. J. Davy. Incumbent's commission expires March 22, 1928.

Stephen E. Terwilliger to be postmaster at Candor, N. Y., in place of S. E. Terwilliger. Incumbent's commission expires March 22, 1928.

Henry E. Thompson to be postmaster at Chateaugay, N. Y., in place of H. E. Thompson. Incumbent's commission expires March 22, 1928.

Frank A. Haugh to be postmaster at Clyde, N. Y., in place of F. A. Haugh. Incumbent's commission expires March 22, 1928.

Sidney B. Cloyes to be postmaster at Earlville, N. Y., in place of S. B. Cloyes. Incumbent's commission expires March 22, 1928.

J. Fred Smith to be postmaster at Herkimer, N. Y., in place of N. P. Small. Incumbent's commission expired January 8, 1928.

Julia J. Tyler to be postmaster at Kennedy, N. Y., in place of J. J. Tyler. Incumbent's commission expires March 22, 1928.

Earle U. McCarthy to be postmaster at Mineola, N. Y., in place of E. U. McCarthy. Incumbent's commission expires March 22, 1928.

Frank Dobbin to be postmaster at Shushan, N. Y., in place of Frank Dobbin. Incumbent's commission expires March 22, 1928.

Edith Phelps to be postmaster at Brownville, N. Y., in place of F. G. Seeber, resigned.

Erastus J. Wilkins to be postmaster at Norwood, N. Y., in place of A. R. Collins, removed.

NORTH CAROLINA

B. Ray Cohoon to be postmaster at Columbia, N. C., in place of B. R. Cohoon. Incumbent's commission expires March 19, 1928.

Joseph B. Harrell to be postmaster at Marshville, N. C., in place of J. B. Harrell. Incumbent's commission expires March 19, 1928.

James E. Wallace to be postmaster at Stanley, N. C., in place of J. E. Wallace. Incumbent's commission expires March 19, 1928.

NORTH DAKOTA

Reuben P. Semrau to be postmaster at Balfour, N. Dak., in place of R. P. Semrau. Incumbent's commission expired December 19, 1927.

OHIO

Elizabeth A. Krizer to be postmaster at Bremen, Ohio, in place of E. A. Krizer. Incumbent's commission expired March 1, 1928.

Marion E. Campbell to be postmaster at Sardinia, Ohio, in place of M. E. Campbell. Incumbent's commission expires March 21, 1928.

Asher O. Earley to be postmaster at Woodsfield, Ohio, in place of A. O. Earley. Incumbent's commission expires April 7, 1928.

OKLAHOMA

James W. McKay to be postmaster at Stonewall, Okla., in place of J. W. McKay. Incumbent's commission expires March 22, 1928.

OREGON

William R. Logus to be postmaster at Oregon City, Oreg., in place of W. R. Logus. Incumbent's commission expires March 19, 1928.

George W. Trommlitz to be postmaster at Toledo, Oreg., in place of G. W. Trommlitz. Incumbent's commission expired March 7, 1928.

PENNSYLVANIA

T. Vance Miller to be postmaster at Downingtown, Pa., in place of W. R. Colflesh. Incumbent's commission expired January 8, 1928.

John N. Snyder to be postmaster at Williamstown, Pa., in place of J. N. Snyder. Incumbent's commission expired March 18, 1928.

Arthur Bensley to be postmaster at Dingmans Ferry, Pa., in place of J. A. Magoun, deceased.

Alameda S. Keesy to be postmaster at Schenley, Pa. Office became presidential July 1, 1927.

SOUTH DAKOTA

Frank B. Sherwood to be postmaster at Cottonwood, S. Dak., in place of F. B. Sherwood. Incumbent's commission expired December 18, 1927.

Clyde J. Bowell to be postmaster at Edgemont, S. Dak., in place of C. J. Bowell. Incumbent's commission expired December 18, 1927.

Elmer R. Hill to be postmaster at Newell, S. Dak., in place of E. R. Hill. Incumbent's commission expired February 1, 1928.

Robert G. Andis to be postmaster at Presho, S. Dak., in place of R. G. Andis. Incumbent's commission expired December 18, 1927.

Fred J. Seals to be postmaster at Spearfish, S. Dak., in place of F. J. Seals. Incumbent's commission expired December 18, 1927.

Edward J. Groat to be postmaster at Thunder Hawk, S. Dak., in place of E. J. Groat. Incumbent's commission expired December 18, 1927.

TENNESSEE

Joe Sims to be postmaster at Lawrenceburg, Tenn., in place of Joe Sims. Incumbent's commission expired March 18, 1928.

Onnie M. Hartsell to be postmaster at Limestone, Tenn., in place of O. M. Hartsell. Incumbent's commission expired March 17, 1928.

Everett M. Greer to be postmaster at Newport, Tenn., in place of E. M. Greer. Incumbent's commission expired March 17, 1928.

Wilbur Walker to be postmaster at Tiptonville, Tenn., in place of Wilbur Walker. Incumbent's commission expired December 19, 1927.

TEXAS

Maggie P. Rhew to be postmaster at Anderson, Tex., in place of M. P. Rhew. Incumbent's commission expired February 11, 1928.

Chessell Gra to be postmaster at Brookshire, Tex., in place of Chessell Gra. Incumbent's commission expired March 17, 1928.

William F. Hofmann to be postmaster at Carrollton, Tex., in place of W. F. Hofmann. Incumbent's commission expired February 11, 1928.

Cornelius A. Ogden to be postmaster at Deweyville, Tex., in place of C. A. Ogden. Incumbent's commission expired January 24, 1928.

Corban J. Lewis to be postmaster at Eddy, Tex., in place of C. J. Lewis. Incumbent's commission expired February 11, 1928.

James S. Carter to be postmaster at Grand Saline, Tex., in place of W. E. Shields, resigned.

John V. Lackey to be postmaster at Hico, Tex., in place of A. L. Jackson, resigned.

Wright T. Pridgen to be postmaster at Grapeland, Tex., in place of W. T. Pridgen. Incumbent's commission expires March 19, 1928.

Ira S. Koon to be postmaster at Hallsville, Tex., in place of I. S. Koon. Incumbent's commission expired March 17, 1928.

Effie H. Briscoe to be postmaster at Hebronville, Tex., in place of E. H. Briscoe. Incumbent's commission expired January 24, 1928.

Eva M. Reed to be postmaster at Hempstead, Tex., in place of E. M. Reed. Incumbent's commission expired January 16, 1928.

Lilburn C. Graham to be postmaster at Lancaster, Tex., in place of L. C. Graham. Incumbent's commission expired March 17, 1928.

Nora C. Brite to be postmaster at Pleasanton, Tex., in place of N. C. Brite. Incumbent's commission expired March 17, 1928.

Henry E. Cannon to be postmaster at Shelbyville, Tex., in place of H. E. Cannon. Incumbent's commission expired January 24, 1928.

VERMONT

James S. Brownell to be postmaster at Woodstock, Vt., in place of J. S. Brownell. Incumbent's commission expires March 22, 1928.

VIRGINIA

Ludema Sayre to be postmaster at Fairfax, Va., in place of Ludema Sayre. Incumbent's commission expired February 8, 1928.

WEST VIRGINIA

James O. Buskirk to be postmaster at Holden, W. Va., in place of J. O. Buskirk. Incumbent's commission expires March 22, 1928.

Guy E. McCutcheon to be postmaster at Reedy, W. Va., in place of G. E. McCutcheon. Incumbent's commission expired March 1, 1928.

WISCONSIN

Charles R. Swanson to be postmaster at Suamico, Wis. Office became presidential July 1, 1927.

CONFIRMATION

Executive nomination confirmed by the Senate March 19, 1928
UNITED STATES DISTRICT JUDGE

Bascom S. Deaver to be United States district judge, middle district of Georgia.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 19, 1928

TRANSFER IN THE REGULAR ARMY INFANTRY

Lieut. Col. Leo Asa Dewey, Adjutant General's Department, for transfer to the Infantry branch, which was submitted to the Senate March 2, 1928.

[NOTE.—Lieutenant Colonel Dewey does not desire this transfer.]

HOUSE OF REPRESENTATIVES

MONDAY, March 19, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Lord God of ages past, be with us yet lest we forget. We turn again to Thee for light and wisdom, that we with the entire body of our fellow citizens may continue to labor toward that destiny which has been given to our Republic. Forbid that the flame of a fervent love for all that is glorious in our institutions should burn low. Arm us with the breastplate of righteousness and the shield of truth, that our priceless heritage may ever be preserved. As we meet the challenge of our day, be with us, that we may keep enthroned within the spirit of humanity, which is the gift of Heaven. O every home needs happiness, every friend needs companionship, and every good cause needs encouragement. Stir the best things within us and around us, for these are dependent on Thee and the inspired teaching of Thy holy word. Amen.

The Journal of the proceedings of Saturday, March 17, 1928, was read and approved.

LAKE DENMARK CLAIMS

Mr. ACKERMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ACKERMAN. I understand there is on the Speaker's desk a report from the Comptroller General in reference to the Lake Denmark claims incident to the explosion in July, 1926. I would like to ask whether the general reference included the printing of the report as a House document.

The SPEAKER. The report has been referred to the Committee on Claims and ordered printed as a public document.

REPORT OF DIVISION OF SIMPLIFICATION

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, I take this occasion to call the attention of the House to a very brief report which has been made by the division of simplification of the joint committee of the House and Senate on taxation which I intend to ask shall be printed in the Record for the information of Members.

There has been considerable inquiry as to what the joint committee on taxation was doing and there was printed in the Record last week, inserted by Senator Smoot, a brief report of the division of investigation. This report has been presented to the joint committee by the chief of the bureau of simplification, Charles B. Hamel. Mr. Hamel, as Members will remember, was the first chairman of the Board of Tax Appeals, a position from which he resigned and engaged in private practice. About a year ago he accepted the position of chief of the division of simplification of the joint tax committee, where his services have been very satisfactory, but he now desires to

give his attention to his private business. He has consequently sent in his resignation and his place will be filled by his very efficient assistant, E. H. McDermott.

Mr. LINTHICUM. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. LINTHICUM. Is the committee as active in its work as it has been? I understand that it has laid off quite a number of men, particularly in the engineer staff.

Mr. GREEN of Iowa. The joint committee is not carrying on as many lines of work as it did when the revenue bill was before the Ways and Means Committee, and some of the men have been dropped from the rolls, not only engineers but others, the thought being that there would not be as much work done during the summer and we ought not to carry as large a force on the pay roll as we had.

Mr. LINTHICUM. But you intend to keep up the activities, or your successor will?

Mr. GREEN of Iowa. Certainly; this report will show that important work is planned, and this is only the report of one division.

Mr. BLANTON. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BLANTON. The gentleman's committee generously and patriotically met several weeks before Congress and prepared a tax bill and passed it immediately. How much longer is the tax bill going to be held up without action?

Mr. GREEN of Iowa. I regret to say that I can not give the gentleman any information.

Mr. BLANTON. It is an administrative holdup, is it not?

Mr. GREEN of Iowa. I do not know what is holding up the bill.

Mr. BLANTON. Can the gentleman give us any idea when we are going to get the benefit of this tax bill, which removed certain tax burdens upon the shoulders of the people, and which was passed here in the House last December?

Mr. GREEN of Iowa. I regret to say that I can give the gentleman no information. I do not know whether it will come over here at all.

Mr. Speaker, I ask unanimous consent that this report of the chief of the division of simplification be printed in the Record as an extension of my remarks.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The report is as follows:

(Division of simplification, Charles D. Hamel, chief and counsel;
E. H. McDermott, assistant counsel)

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, March 16, 1928.

Hon. WILLIAM R. GREEN,

Chairman Joint Committee on Internal Revenue Taxation,
Washington, D. C.

DEAR SIR: There is submitted herewith a statement relative to the work of the division of simplification from April, 1927, when the division was organized, to March 1, 1928, and the work now in progress.

COMPLETED WORK

On November 15, 1927, a printed report was submitted by the joint committee to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. This report consists of three volumes printed under one cover. It includes the work of both divisions of the joint committee up to that time. In the first volume there is a comprehensive survey of the problems of simplification; a statement of the work necessary to be done in that connection; an estimate of the possibilities of effective simplification, and specific proposals for simplification and improvement of about 12 major provisions of existing law. In addition, there is a proposal for the entire rearrangement of the form of the revenue act; and the act, as thus rearranged, is printed in full as Volume II of the report.

The legislative counsel and the special assistant to the Secretary of the Treasury contributed much toward the form and the substance of this rearrangement.

The third volume is a comprehensive survey of the administration of the income and profits taxes, submitted to the committee by the Treasury Department.

A majority of the suggestions for revision of particular provisions were adopted in framing the pending revenue bill, as was also the suggested rearrangement of the form of the act and a number of suggested typographical improvements.

Both divisions of the committee endeavored to be of assistance to the Committee on Ways and Means during its consideration of the pending bill.